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# THE FACTS OF THE MORAL LIFE

# ETHICS

AN INVESTIGATION  
OF THE  
FACTS AND LAWS OF THE MORAL LIFE

BY

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VOL. I.

*INTRODUCTION: THE FACTS OF THE MORAL LIFE*



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## OPINIONS OF THE PRESS

Many English students will derive help from the 'Ethics of the Leipzig professor, who rivals Herbert Spencer in the encyclopedic range of his knowledge. Nowhere is the relation between ethics and instinct and between ethics and religion more closely investigated. Patiently and laboriously the evidence of language and customs is studied, the lessons furnished by anthropology are collected, there is an elaborate study of the forms of society, and in the end Wundt formulates his famous law of 'the heterogenesis of ends'—the law according to which 'manifestations of will over the whole range of man's free voluntary action are always of such a character that the effects of the actions extend more or less widely beyond the original motives of volition, so that new motives are originated for future action, and again, in their turn, produce new effects'."—*Times*

' There is no living German philosopher who enjoys a greater reputation in his own country than Professor Wundt, of Leipzig, and the translators of his important work on Ethics have conferred a boon on all English students of philosophy.—*Scotsman*

" In commenting on the gradual transfer of morals from the supernatural to the social base, Professor Wundt shows how religious ideas appear to constitute the primary sources whence custom is derived.—*Daily Chronicle*

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## TRANSLATORS' PREFACE

THE text, upon which this translation is based is that of the first 269 pages of Professor Wundt's *Ethik*, as published in revised form in 1892. The translators have made no changes in the body of the work. They have added an index of names and subjects, and for the convenience of readers who may wish to compare the translation with the original have printed the German pagination in the headlines of the English version. They desire gratefully to acknowledge assistance rendered in various ways by Professor J. Royce and Dr. H. C. Bierwirth, of Harvard University, and by Dr. H. P. Jones, of Cornell University. Responsibility for the translation rests, however, with themselves alone. The latter portion of the Author's Preface (marked off by square brackets) has been translated by Professor Titchener with the co-operation of Professor Margaret Washburn, to whom the translation of the second volume has been entrusted.

The translators are fully conscious of the boldness of their attempt to English a book so difficult, and moreover so German in its difficulty, as is this first part of Professor Wundt's *Ethik*. They have, however, taken the task seriously, and diligently endeavoured to avoid either Germanised English or perfunctory translation-English in this their final version. They hope that the result of their labour is a readable literalness, which may open what has hitherto been a sealed book to many English-speaking students of philosophy.

June 1st, 1897.

## AUTHOR'S PREFACE

IT has been my object in the present work to investigate the problems of ethics in the light of an examination of the facts of the moral life. One reason for this procedure is my desire to conduct the reader by the same path that I myself have followed in approaching ethical questions. But that apart, I believe it to be the sole method by which we can hope to establish ethics upon an empirical foundation. There has been no lack either of speculative or of psychological essays in the moral sphere, and I am more than ready to give both their due. But I think that we must look to ethics to supply the corner stones of metaphysics, of our final and comprehensive view of the universe; and so it seems to me inadvisable to reverse the relation of the two disciplines and base moral philosophy upon metaphysics. As to psychology, I have personally found it to be so necessary a propædeutic and so indispensable an aid to ethical investigations, that I do not understand how any one can do without it. But the psychology of the moralists belongs for the most part to the days of the older empiricism. It is, to my thinking, altogether too individualistic in its point of view, besides which, it has not advanced beyond that stage of popular thought at which subjective interpretations of facts are naively intermingled with the facts themselves. The straight road to ethics lies, I believe, through *ethnic* psychology, whose especial business it is to consider the history of custom and of ethical ideas from the psychological standpoint.

[The conclusions to which I have been led by these anthropological studies are in the main independent of the results of my criticism of previous ethical systems. That criticism, however, has served so largely to confirm and round out my views, that I may perhaps hope that the discussions of Part II. will do for the reader of the present work what the study of the history of ethics has done for myself. English moral philosophy, in particular, which was formerly little known in Germany, and has only recently begun to arouse a more active interest, has been exceedingly valuable to me, though I must confess rather in a negative than in a positive way. I am thoroughly opposed to its individualistic and utilitarian tendencies, but I must acknowledge that I am chiefly indebted to the Utilitarians themselves for an understanding of the untenability of their position. The reader who knows how great a part of the history of scientific development is the history of error will recognise that this judgment of mine means praise as well as blame,—praise which does not fall far short of that accorded to the discovery of new truths.

It should now be plain that the first two parts of the book are merely introductory and preparatory, and that I have had no intention of writing a complete history either of religion and custom or of ethics. In Part I my task was simply to discuss so much of the history of civilisation as seemed necessary for the establishment of certain ethical conclusions. Hence the quotations are not intended to be a complete index to the literature of the subject, but simply to direct the reader to supplementary sources at points where I have been obliged to forego a full discussion of the facts at issue. In Part II, in the historical survey of ethics, I thought it best to describe the principal tendencies in the persons of their most distinguished representatives. Theory has been kept in the foreground throughout, so that I have left out of account much of the literature of philosophical and theological ethics, ancient

and modern, the value of which in other, and especially in practical connections I fully recognise.

Some of my readers will, perhaps, be surprised to find that the views stated in Part III, while they differ, and differ widely, from the moral theories and philosophy of law set forth by Fichte and Hegel, and from the systems of men like Schleiermacher and Krause, still have certain fundamental thoughts in common with the ethics of the speculative idealism which came after Kant. But even at the risk of increasing their astonishment, I must confess that, in my opinion, what I have tried to do in ethics will in the near future be attempted in other departments of philosophical enquiry. There is, certainly, one province of thought which may be regarded as sufficiently well explored at the present time to afford a means of comparison between the philosophical work of our own day and the speculation which prevailed at the beginning of the century. The idea of *development*, which permeates the whole of modern biological science, was first applied in any comprehensive manner by the nature-philosophy of Schelling and his school. Consider what it was then and what it is now then, a tissue of fantastic ideas, held together by a method which contradicted every rule of exact thinking, now, a theory which though it cannot do without a number of secondary hypotheses, themselves not always adequate, still has its foundation upon the rock of experience. And it seems to me to be just the same in other departments of science. We have forgotten what the Romanticists believed about language and myth and history, their fanciful pictures of ancient civilisation, drawn upon so slight a background of fact, have given place to the results of a more sober method. Nevertheless, it is to their efforts that we owe the impetus to a more sympathetic research into strange worlds and distant periods, such as was hardly felt at all in the century of the Enlightenment. And from this widening of the horizon came that more universal conception of mental life, which, to-day the common property

of all the mental sciences, found its full expression for the first time in the philosophical idealism that came after Kant.

Similarly, when one comes to ask the value of philosophical theories, one must learn to distinguish enduring contents from perishable form. Systems which once exerted a profound influence on men's minds, but which, born in a time of change and transition, are now matters of history, must neither be thrown aside as mere fictions of the brain nor revered as eternal verities. If the thinkers of that day were much in error, still they prepared the way for the development of the ideas of modern science. The useless framework of their systems is falling into decay, but the living ideas which it contained—however completely their source may be forgotten—have taken root everywhere in the special sciences. This has been the course of progress, and philosophy cannot but be influenced by it. She may have to change many of her general hypotheses, and all of her detailed expositions, but still her task will be, enjoying as never before the guidance of the special sciences and in her turn directing their advance, to complete the work begun at an earlier time with insufficient means and faulty methods.

LEIPZIG, July, 1886

In this second edition the statement of my general views remains unchanged, but many amplifications and corrections of detail have been introduced. By abbreviating other passages, however, I have been able to keep the volume approximately to its original size. Parts II. and IV have suffered most change: in the former the history of Christian and of quite recent ethics, and in the latter the discussion of the moral problems of the state and of society have been partially recast.]

WILHELM WUNDT.

LEIPZIG, April, 1892.

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## INTRODUCTION

### I. ETHICS AS SCIENCE OF NORMS.

IN the treatment of scientific problems two different points of view have long been current: the *explicative* and the *normative*. The explicative point of view treats its subject-matter as a body of *facts*, which it seeks to make more comprehensible by bringing out some inner relationship or a community of certain external characteristics. The normative point of view considers objects with reference to *definite rules*, which find expression in them, and to which they are at the same time in every case required to conform. From the explicative point of view, therefore, all facts are in themselves of equal value; from the normative point of view, it is the purpose of the inquirer to estimate the relative values of facts. Facts which contradict established rules are either thrown aside, or else explicitly contrasted, as abnormal, with other facts that confirm the rule.

The division of labour in scientific investigations has resulted in the assignment of these different points of view to different sciences. Thus all the natural sciences, as well as psychology and history, are assigned to the explicative mode of treatment, while logic, grammar, æsthetics, ethics and, in part, politics and the science of law are regarded as normative disciplines. Nevertheless, as the question here is not one of a difference in subject-matter, but simply one of different points of view which can be applied, if need

arises, to the same object, it is easy to see that this line of division cannot be drawn in any hard and fast manner. Thus the idea of the norm has been introduced into natural science, under the form of 'natural law.' The concept of natural law is a sub-form of the normative idea, differing from the original in that it allows the irregular facts of experience to be set aside only with the proviso that they too be conceived as conforming in some way to definite norms. It is evident that this proviso does away at once with the scale of values which was originally involved in the introduction of the idea of the norm; so that, in assimilating the idea of the norm, natural science has, on the one hand, given it greater exactness by attributing to it the characteristic of universality, but, on the other hand, entirely removed the element of appreciation originally contained in it. This process of adoption has, however, taken place very gradually. Where the subjects of investigation were simple, the normative point of view naturally attained supremacy over mere description sooner than it did where they were more complex and difficult. Hence we have the distinction between explanatory and descriptive natural sciences: a distinction which cannot, in the nature of things, be more than transitory.

Psychology and history have followed natural science in the assimilation of the idea of the norm. Granted that the proof of laws of mental phenomena is more difficult, and the character of these laws different from that of natural laws, still, the universal validity to which the causal principle lays claim in the various departments of human knowledge furnishes us with a constant incentive to subject the realm of mental facts also to the dominion of law. If the attempt meets with no little opposition, even at the present day, this is for the most part because of the wrong idea that the point here in question is that of a direct transference of the idea of natural causation, or perhaps even of individual

natural laws, to the psychical realm; whereas, as a matter of fact, psychology has developed the concept of the norm quite independently, and must therefore be guided, in her application of it, simply and solely by her own needs. But here again, while the concept gains in exactness, extensively, by its change into a law of actual occurrence, it loses, intensively, that moment of valuation which is involved in a choice between various facts that present themselves for consideration. An originally normative science, like logic, is exact in its limitation: it excludes everything that contradicts the norm. A science that was originally one of observation, and is now working with the transferred normative idea, is exact in its generalisation: it demands that, in principle, every item of fact shall be reconciled with determinate norms. A science like logic can, therefore, possess an exact character from the very first; a science of observation can acquire it only through a gradual development.

As the idea of the norm is thus transferred to the explicative sciences, so conversely is the standpoint of pure observation gradually extended to problems that were at first assigned to certain normative disciplines. All the rules formulated by logic, grammar, ethics, æsthetics, etc., are founded on facts; they can be established only by previous study and observation of the facts. And as the norms themselves possess the character of generalisations from facts, the notion of 'value,' which belongs to them all, can be most correctly understood if we subject them to objective examination in connection with the facts to which they are related. Here too, therefore, the explicative standpoint is naturally the earlier,—or, at all events, the more obvious. It is true that in many departments this explicative standpoint has had a long struggle for victory over the normative mode of treatment. But the latter, in such cases, rests for the most

part upon no surer foundation than some over-hasty examination of the facts, which, primitive and inadequate as its abstractions are, has been held to be sufficient for all time. It has been forgotten that empirical science, whose progress knows no halt, is constantly supplying the normative disciplines with new material for the understanding of the nature and significance, and even of the contents of their rules.

But although the line of division between the explicative and normative sciences must be regarded, in virtue of the inter-relations just indicated, as extremely fluctuating, yet the subject-matter of the normative sciences retains this one marked characteristic, that certain facts within it are distinguished from others as being of especial *value*; so that facts which deviate from them either do not come into consideration at all, or do so only negatively, as contradicting the norm. The antithesis thus obtained between what is normal and what is abnormal leads to the discrimination of an *ought* and an *is*. The norm stands over against every fact in the guise of a command. If the fact agrees with it, it becomes a command that has been followed, if the fact disagrees, the same norm becomes a command that ought to have been followed. The explicative standpoint knows only an 'is.' If in accepting the normative idea it accepts also the idea of an 'ought,' this is always under circumstances where the 'is' and the 'ought' are absolutely identical. Thus natural science considers every fact both as something which is, and also, so far as it is dependent on a natural law, as something which ought to be. But as no permanent contradiction is possible here between the 'is' and the 'ought,' the 'ought,' in natural science, is always transformed at once into a *must*. When the judgment that some facts are more valuable than others is set aside, the difference between facts that follow the norm and facts that contradict it is also abolished.

Although, then, the universal applicability of the purely descriptive standpoint to all departments of human knowledge is unquestionable, we should still take it into consideration that the estimate of the value of facts is also itself a fact, and a fact which must not be overlooked when it is there to see. A necessary condition of any such estimate is the existence of human free will. By free will we mean here not a metaphysical faculty, but merely the empirically given capacity of choice between various possible actions. Only where this capacity exists can there be a discrimination between obedience and non-obedience to definite laws, and consequently between the ideas of 'ought' and 'is'. As choice precedes the actions that originate from it, it is only with reference to choice that the norm can possess the character of a real command. It thus becomes a rule that is concerned, not with the estimation of facts already given, but with the production of future facts. Every norm is originally a rule of volition. As such, its primary office is to lay down the law for the act which is to be performed, which still awaits choice; though at the same time it also furnishes, secondarily, a standard whereby to *estimate* actions already past.

It follows, from this connection of the norm with human volition, that the idea of *law* made use of by the explicative sciences becomes more and more estranged from the normative idea out of which it sprang, the less the facts themselves have the character of voluntary actions, or the fewer the voluntary actions comprised among them. Hence it is in natural law that the normative idea has come to be farthest removed from its true source, while in psychological and historical laws the co-ordinate influences of free will and of the determination of mind by nature are plainly observable. In their case, therefore, it is often only the point of view which distinguishes the psychologist from the logician and the student of ethics, or the historian from the practical moralist and man of affairs.

For the same reason, the normative character does not by any means attach to all the special normative sciences in the same degree. Thus *grammar* unites certain regular phenomena of language under grammatical rules or linguistic laws. Originating under definite physiological and psychological conditions, these rules, when met by other conditions of similar origin, may cease to apply, without the exceptions which thus arise being regarded as wrong or ungrammatical.<sup>1</sup> There is only one set of laws which stand, as norms, above all grammatical rules: the *logical* laws of thought, which are common to all languages, and which can find expression in the most diverse forms of speech. Strictly speaking, therefore, only the logical elements of grammar are normative,—elements that in grammar itself, of course, shrink almost to the vanishing point, as compared with the consideration of the structure of language, which is mainly the result of varying psychological conditions.

The same thing is true of the subject-matter of the science of law, the *legal norms*. Here, indeed, we retain the expression 'norms,' because these, whatever their origin, are maintained in practice as binding commands. Nevertheless, they too are readily divisible into two classes: the one consisting of those legal ordinances that are of a more changeable nature, and have their origin in the peculiar historical conditions of a community organised under a given legal system; and the other of laws to which we attribute an obligatory power independently of such special causes, because they have originated from the general moral consciousness of mankind. Whatever may be the relation between these two kinds of legal norms, it is true, at all events, that we ascribe universal validity only to laws of the second class, those that rest on definite *ethical* norms.

<sup>1</sup> Cf. my essay on the idea of law and the question whether phonetic laws are open to exception. *Philos. Studien*, III p. 195.

Æsthetics exhibits like conditions, only that the multiplicity of relations in which the science stands renders them far more complicated. Here, again, as in the science of law, we may first of all separate a more transient element, dependent on historical influences of fashion and custom, from a more permanent, to which we should be inclined to attribute an absolute value. But æsthetic feeling springs from many different sources, so that we find rules of the second kind, those that alone possess the significance of true norms, again dividing into two sub-classes. Both may be traced, though closely interwoven, in any particular instance of the æsthetic judgment. On the one side, æsthetic pleasure is connected with certain principles of purposiveness, in the discovery and application of which our *logical* thinking is set to work. On the other side—and this is the great reason for the influence of æsthetics on the emotional life—the beautiful object awakens the most varied forms of *ethical* sentiment, and upon the excitation and satisfaction of these all the higher forms of æsthetic effect depend.

Thus *logic* and *ethics* finally prove to be the only true *normative sciences*. All the others have borrowed their normative character from one or other, or from both of these disciplines. And it may easily happen that in the process of assimilation the idea of the norm is transferred to rules which do not in themselves possess any normative value, but merely derive it from genuine logical and ethical norms with which they are connected in the act of judgment. All the other departments of knowledge are therefore, in this sense also, subordinate to the two great normative sciences; the value and universality of the special norms which they employ are always dependent upon the agreement of these norms with logical and ethical principles.

✓ In their significance as regulative sciences, logic and ethics embrace the whole realm of human knowledge. Logic

forms the normative basis of the theoretical sciences ; ethics, that of the practical. A scientific inquiry is said to be *theoretical* when it investigates the interconnection of given facts ; it is *practical* when it is occupied with human volitions and the mental creations which proceed from them. It is clear that this distinction has something in common with that of the explicative and normative points of view, although the correspondence is not perfect. The theoretical way of looking at things is concerned exclusively with what *is*, and is therefore the wider of the two, including the practical standpoint within it. The practical point of view is concerned only with that *is* which can be viewed also from the standpoint of what *ought* to be. But aside from this, the practical sciences cover both a wider and a narrower territory than the normative. They cover a wider territory, since they have to give their attention to those conditions and effects of the activity of the free will which lie beyond the norms and their applications, not less than to the norms themselves. On the other hand, they cover a narrower territory, because the practical point of view is confined to *external* voluntary acts, and their causes and effects. This explains why it is that one especially of the two fundamental normative sciences, logic, has become preeminently a theoretical science.

In the same connection we may note that the idea of the norm is very differently applied in logic and ethics. The norms of logic are applicable to all that can be given to us in perception or in the ideas that we develop from perception. In the application of these norms no judgment at all is passed upon the value of the *objects* of logical thought; although logical thinking itself, or the thinking *subject*, considered with reference to its thought-activities, can be subjected to such a judgment. The norms of ethics, on the contrary, are directly applicable to the free voluntary actions of thinking subjects, and to objects only indirectly, in so far

as they owe their origin to these voluntary actions. Here, therefore, the acting subject is, at the same time, the object that furnishes the material for our judgment of value. Hence it is plain that if the subject of logical thinking can be made the matter for a judgment of value, this is simply because it is at the same time an *ethical object*,—because logical thinking, regarded as a free activity of the will, can also be brought under the rubric of moral action. So far as logic includes among its problems the function of developing the criteria of correct thinking, and bringing to light the value of such thinking, it can, therefore, be termed an *ethics of thinking*. But the idea of *ought* has not the same significance for logic and ethics. In ethics the incentives to its formation exist in the *objects* under consideration; in logic obligation originates only when logical inquiry is looked upon as a procedure which is subject to a judgment of value, *i.e.*, as a form of moral conduct. It follows that morality is the original source of the normative idea, that *ethics is the original science of norms*. From it the normative idea has travelled by two roads to all the departments of human knowledge. In one direction, more closely connected with its original sphere, the normative idea has become dominant in those departments which, because of their subjective origin in voluntary actions, are related, as logic is preeminent, to ethical facts. In another, further removed from its original sphere, the normative idea has been transformed into the conception of a universal reign of law, a conception which our thought applies to all the objects presented to it in external or internal experience. It is easy to see that the first of these transformations had, necessarily, to prepare the way for the second. For in its demand that everything which 'is' shall be subject to law, our logical thought is transferring its own normative character to its objects. It is true that this normative character of logical thinking could never have been developed

without a corresponding constancy and conformity to law on the part of its objects. But since such conformity to law does not exist for us until it is apprehended by our thought, it is clear that, in the sequence of conditions, the precedence remains with logical thinking,—which, in its turn, is subordinate to the concept of the norm as understood in ethics.

## 2 THE METHODS OF ETHICS.

The early recognition of the normative character of ethics has exercised an unfavourable influence on the development of its methods. For it was natural to suppose that ethics, being normative in character, derived its principles from the same source, and must apply them in the same way as the normative science of knowledge, logic. And although this supposition is free from error in itself, the views held about the nature of logical norms have led to errors whose consequences are incomparably more far-reaching in the ethical than in the logical realm.

We must admit, of course, if we look at the matter without prejudice, that the conditions of logical laws are the same with those of ethical. In neither domain can there be a form without contents, so that in both cases the abstract norms are merely products of thought, developed as the result of the interaction between thought and a manifold of experience. It is equally true, therefore, for logic and for ethics, that the laws which govern our apprehension of objects are always, at the same time, laws of the objects themselves; and that the real relations of things must, necessarily, be conceived of as in agreement with the principles whereby we systematise and connect them. But this agreement cannot possibly be held to precede the interaction of thought and experience, it can manifest itself only in that interaction. Just as there are no objects of

experience without a thinking subject, so there can be no thinking subject without objects of experience

If, however, we abstract from this general relationship, we find that the conditions under which logic and ethics have developed are very different. The objects which the laws of thought require for their most universal exemplification are of an extremely simple nature, the laws have reference to the simplest perceptual relations, those which present themselves at once in every item of perceptual experience. Ethical laws, on the contrary, plunge us into the midst of external voluntary actions, with all their complex interconnections. The logical laws of identity and contradiction, or the particular relations of perfect and partial coincidence of ideas, of subordination and dependence, which correspond to them, are evidently fulfilled in all cases where thought encounters objects. But even the most primitive moral judgments presuppose complex motives of the will, related quite as much to individual mental peculiarities as to the conditions arising from the common life of humanity. Very natural for logic, under the circumstances, was the assumption that the laws of thought are an original possession of the mind, antedating all experience, and subject to external influence only in their more complicated manifestations and developments: to ethics, uninfluenced by logic, no such assumption could have presented itself. But the idea of the norm, dominant in ethics as in logic, brought the moralist to the logician's point of view: all the more easily as the *obligatory* character which attaches to the norm in regard to future actions belongs especially to the ethical norms, owing to their reference to practical volitional activity. Since in practice the command must precede the action that is done in accordance with it, it is natural to conclude that, in theory also, the norm is necessarily prior to its application. Hence it is that for many centuries

the moral as well as the logical laws have commonly been regarded as an original possession of the mind, perfect in themselves, and capable of development merely in their applications; or that—on the idea that every mental contents, like mind itself, must have some sort of beginning—a supersensible origin has been ascribed to ethical laws, and they themselves regarded as the bond that unites empirical existence with its eternal and ultimate source.

Plainly, however, such a view as this had less hope of escaping contradiction here than in the logical domain. The dependence of the moral life on empirical conditions was too clearly manifest. Hence from the very first the attempt at an empirical deduction of ethical principles has been opposed to the *a priori* theory of their origin. In ancient ethics the two views are generally found together, reconciled by the notion of Plato and Aristotle that experience is always an external means for bringing the ideas already existent in our minds to their full development. In modern ethics, they tend more and more to diverge and to divide moralists into two hostile schools. There thus arises a radical disagreement as to the *methods* of ethics. For if the ethical norms are considered to be a permanent possession of the mind, independent of the changing conditions set up by external influences, the problem which they present to scientific inquiry can only be that of some reflective process, which shall raise the originally obscure ideas into clear consciousness. Such a reflective process necessarily involves definite hypotheses and methods. The hypotheses are derived from one's general view of the universe, of which the facts of morality form an integral part; and the character of this general view determines, again, the logical or dialectical procedure which develops the idea of morality, and analyses it into its constituents. If, on the other hand, ethical laws are regarded as the effects

of the empirical conditions under which human conduct is placed, it is clear that they themselves can be derived only from experience. In this event observation comes to be the most important instrument of ethical investigation,—whether in the sense of introspection of moral motives, or of objective determination of the moral ends that have attained supremacy in the state and in society.

The *speculative method*, which pursues the first of these paths, has the very deceptive advantage of producing, so to speak, at one blow, a piece of work which takes its place harmoniously in the architecture of an universal system. It does not need to wait for observations, which may be possible only in an uncertain future, it does not need to hesitate in face of ambiguous experiences. Guided by a definite and universal idea, it hastens without let or hindrance to its goal. Nevertheless, it attains this goal only by means of a self-deception, the results of which become obvious enough whenever it attempts to apply its principles. No one can escape the power of experience. If we try to avoid her on the high road, we cannot escape her on the by-ways, all that we do is, instead of directing our attention so far as possible impartially to all parts of experience, to turn to some single fact, which for one reason or another lies right in our line of vision. In no department is the harm wrought by the speculative method so evident as in ethics,—plainly because of the enormous wealth of empirical facts which ethics has at its disposal. There is no ethical system of the speculative persuasion which does not lay stress upon some true and important fact of ethical experience, but it can be said also that there is no such system which does not exclude a multitude of other facts just as true, and, in part at least, just as important, and which is not for that reason inadequate as a system to many aspects of the moral life. The circumstance that speculative ethics defines its problem

as the illumination of the entire domain of ethical facts by universal principles cannot compensate for this neglect. For it is one thing to make a survey from a standpoint already chosen; it is another to choose one's standpoint after a previous examination of the whole field.

It is this latter task that the *empirical method* regards as the task of ethics. Nevertheless, that same wealth of ethical facts, which proved the stumbling block of the speculative method, presents no less difficulty to the empirical. In its case, too, there is generally one definite group of experiences which is exclusively, or at least predominantly, considered, because of a presupposition existing in the mind of the inquirer that in these particular experiences morality finds its most complete realisation. Hence it happens that the empirical method branches, in its turn, in two different directions. as *subjective* it emphasises those conditions of voluntary actions which present themselves to introspection; while as *objective* it sets out from social and historical phenomena. Then, as if these were not enough, various conflicting standpoints appear within each of the two principal schools. The *subjective method* suffers from the current one-sidedness of psychological inquiries, laying the main stress in one case upon reflection, in another upon the feelings, as motives of action. The *objective* method, to avoid being swamped by the multiplicity of ethical facts, either turns to the history and natural history of custom, or the general history of civilisation, or else attempts to utilise for ethical purposes the norms that have obtained expression in the objective forms of law, or the incentives to action which have crystallised in the phenomena of economic life. Thus we have originating from the subjective method an ethics of reflection and an ethics of feeling,—which are at open feud with each other,—while the objective standpoint gives us an anthropological, an

historical, a juridical and an economic ethics. On this side, however, efforts to unite the special tendencies have not been altogether lacking.

Now it is much easier, in face of this differentiation, to emphasise the essential unity and interconnection of the various kinds of ethical experience, than it is honestly to devote a like amount of attention to them all. But, granted that the unavoidable limitation of the individual horizon must always render the attempt of an individual inadequate, still we are at least bound to raise the question how far the conclusions drawn from a special department of experience require justification or amplification by the experiences gathered in other departments. The more experiences of this latter sort are utilised in the interest of ethics, the easier will it be for moralists of various persuasions to cease from mutual opposition, and to reap the fruits of united labour.

What is true here of the separate branches of empirical investigation holds also, in a certain sense, of the relation between empirical and speculative ethics in general. For even supposing that all the facts furnished us by subjective and objective experience have been exhaustively investigated, still the scientific problem of ethics is not yet solved. That problem consists in the establishment of principles to which the facts of morality can be referred, or of which they may be considered as special applications, determined by the concurrence of principle with certain external conditions. Now it is true that the representatives of the empirical method are apt to believe that they can find these principles by means of that method,—taking it for granted that the principles must be of a psychological order, and therefore discoverable by direct introspection. Hence it comes about that the subjective empirical method has always asserted its supremacy over the objective, on the ground that it and

it alone has the final voice in the solution of the fundamental problems of ethics.

Nevertheless, while it is evident enough that the objective facts of the moral life should be subjected, first of all, to a psychological test and, so far as possible, explained upon a psychological basis, yet to assume at the outset that all ethical phenomena are to be interpreted from the conditions of the subjective consciousness is to look at the entire moral world in a very one-sided way. It is conceivable that such an assumption may be justified by the result of investigation; but it is inadmissible to take a possible result as an axiom, and to bring this to bear from the very first in considering any and every body of ethical facts. Moreover, the objection that the invalidity of the assumption must be indicated by its contradiction with facts offers no reason for its precipitate adoption. It is always difficult to combat preconceived opinions by experience; and the empirical disproof of an axiom assumed at the beginning of an enquiry is almost impossible. If ever an insoluble contradiction does appear, experience yields to the axiom, not the axiom to experience. And this is especially true where, as in the present instance, the facts at issue are of a complex nature, and can be brought face to face with the axiom only after they have gone through all the possible stages of abstraction and interpretation. Abstraction in particular, valuable as it is, is unfortunately a procedure which occasionally furnishes a handy instrument for the elimination of inconvenient facts.

If, then, a particular investigation, lying within the special domain of the empirical method, is inadequate of itself to furnish us with principles by whose aid we can gain an understanding of the facts of the moral world, the only thing to do is to make the whole range of these facts themselves the basis of our inquiry. As may easily be foreseen, empirical observation, in ethical as in natural science, will

lead to postulates which are not themselves immediate facts of experience, but which must be added to these in order to make their interconnection intelligible. But principles that possess this character of postulates cannot ever be really discovered, but only the way paved for their discovery, by the empirical method. Their actual discovery is the task of speculation; and speculation, in its turn, can look for a permanent result of its efforts only when it has full and complete possession of the gathered store of critically-tested scientific experience.

In this way the speculative method receives its dues along with the empirical. The valid objection against the prevailing tendencies of speculative ethics is urged not against the method itself, but against the way in which it is applied. Ethics is neither a purely speculative nor a purely empirical discipline, like every general science, it is empirical and speculative at the same time. But in ethics as elsewhere it follows from the natural course of our thinking about things that the empirical procedure must come before the speculative. Observation must furnish the materials with which speculation erects its structure.

In so far as ethics avails itself of speculation, it is a *metaphysical* discipline. For any investigation is metaphysical which is concerned with those assumptions as to the ultimate nature of things that are not immediately accessible to experience. Ethics is here especially valuable as supplementing the metaphysical portion of natural science, which stands in an entirely analogous relation to the empirical study of natural phenomena. Our total conception of the cosmos includes the conceptions of a natural and of a moral order of things. Metaphysics presupposes both ethics and natural science, and it thus becomes her task to bring these two forms of the conception of the cosmos into internal agreement, and so to establish a philosophy which does

equal justice to the needs of our theoretical knowledge and the requirements of our ethical consciousness

But although the empirical and speculative methods must be separated for the treatment of ethical problems, they are not to be regarded as two entirely different forms of thought. It is rather true that they are complementary constituents of one and the same mode of procedure. There are no other methods than those which set out from an examination of experience, there are none which do not make exclusive use of the universally valid logical principles. The difference of methods is not rooted, therefore, in the logical procedure itself, but simply in the ideas with which thought is operating. The empirical method maintains its supremacy so long as these ideas are direct abstractions and inductions from experience. Speculation begins, on the other hand, whenever hypothetical elements enter into the formation of our ideas,—elements not derived from experience, but introduced into it under the influence of the logical requirement of unity of thought. Looked at in this way, the speculative method is no more specifically philosophical than any other, it finds its first application in the special sciences, and is then employed again in the cardinal branches of philosophy, and more particularly in ethics. Philosophy does not employ it in any new or peculiar way, but only more comprehensively, with more regard to the complexity of that experience upon which our knowledge is based.

### 3 THE PROBLEMS OF ETHICS

Although ethics, as a normative science, is not only related to logic but in a certain sense may be said to stand above it, the logical method of investigating and presenting facts is ill adapted to ethical inquiry. The perceptions upon which logical principles are founded are of so simple a nature that the logician can take his rules for granted without proof.

In ethics the process is reversed, the discovery of the ethical norms must precede their establishment. And the facts with which ethics has to do are of so complicated a nature, that this search for norms proves to be one of the most difficult and extensive of ethical problems. The inquiry can, once more, be pursued by two different methods. The original source of ethical knowledge is the moral consciousness of man, as it finds objective expression in the universal perceptions of right and wrong, and, further, in religious ideas and in custom. The most direct method for the discovery of ethical principles is, therefore, the anthropological method. We use this term in a wider sense than is customary, to include ethnic psychology, the history of primitive man and the history of civilisation, as well as the natural history of mankind.

A second method open to us is that of scientific reflection upon ethical concepts. It too, of course, draws its materials from the moral consciousness. But it goes beyond the bare data, the ethical facts, introducing reflection upon the facts, and attempting their analysis and classification under general points of view. And granted that the attempt, as we remarked just now, is generally characterised by a one-sided treatment of some special aspects of the subject-matter, still, such one-sidedness is in a measure compensated by the fact that the different ethical tendencies supplement each other. For this reason it is indispensable that a criticism of the various ethical systems should go along with any consideration of the historical development of ethical ideas.

After this twofold inductive preparation,—an investigation of the original moral consciousness and scientific reflection on ethical ideas,—we reach the peculiar problem of systematic ethics. This is again twofold. Ethics has first of all to evolve, from the facts furnished to it, the principles on which all judgments of moral value rest, to show how they

originate, and to determine their interrelations. It has then further to consider the *applications* of these principles to the great provinces of the moral life: to the family, to government, to the state and to society. Only the first of these two problems falls within the sphere of a *general* ethics. The second takes us at once into the special ethical sciences: pedagogy, the philosophy of law, the philosophy of society and of history. All these require separate treatment, adapted to the importance and magnitude of their problems.

**PART I.**  
**THE FACTS OF THE MORAL LIFE.**



## CHAPTER I.

### LANGUAGE AND ETHICAL IDEAS.

#### I. THE GENERAL IDEA OF MORALITY.

(a) *History of the words 'ethisch' (ethical), 'moralisch' (moral) and 'sittlich.'*

LANGUAGE is the oldest witness to the course of development of all human ideas. Before any other form of tradition grows up, language has given definite names to the dominant conceptions of the popular consciousness; and the word, with its many changes and refinements of meaning, is a mirror of the gradual development and mutation of ideas. Hence it is to language that we must put our first questions in investigating the origin of ethical ideas.

At the same time, this capacity of language for development, a capacity which seems inexhaustible, more especially as it affects the *meaning* of words, obliges us to use its testimony with caution in our attempt to draw conclusions as to the conceptions which it originally expressed. On the one side there is no small danger that meanings of late origin be referred back to the earliest stages of language, and that ideas which arose under stress of individual or specifically scientific requirements be regarded as primitive deliverances of the popular consciousness; while, on the other, the absence of sharply separated linguistic symbols cannot be interpreted, without further evidence, as

indicating a defective discrimination of ideas. It is probable that homonyms played a very large part in primitive language. Hence only such usage as is preserved in literary monuments can enable us to determine with perfect certainty whether given ideas exist or not; and only when we are thus in a position to trace the history of a word through all its changes of meaning, is it possible for us to draw conclusions from them, with any degree of certainty as to the development of consciousness.

The need of this caution is shown in the very first problem that meets us in the investigation of ethical ideas on linguistic ground,—the question of the origin and significance of the *general* ethical terms that have come into use. It is usually regarded as profoundly significant that language brings the 'moral' and the 'customary' (the *Sittliche* and *Sitte*) into such close connection. The fact that this reference to 'custom' (*mos*,  $\epsilon\theta\sigma$ ) is found in at least three different languages, Greek, Latin and German, is supposed to be a proof that the connection is not accidental, but rather points to a way of looking at things which is natural and necessary to the human consciousness. It has even been regarded as a special merit of the German language, as compared with Greek, Latin and the ancient oriental tongues, that the words by which it expresses the two concepts have gradually become differentiated, and the idea of the ethical thereby more clearly distinguished from that of the customary and the legal<sup>1</sup>. But we find no confirmation of these conjectures in the actual history of the word *Sittlichkeit*. The connection between the 'moral' and the 'customary' is not of native growth either in German or in Latin; it is due to the influence of Greek usage. And even in Greek it had no root in any ultimate tendency of the popular consciousness, but was effected by one man, no less a personage than the

<sup>1</sup> RUDOLPH VON JHERING, *Der Zweck im Recht*, II, pp. 50, 59.

great realistic moralist of the Hellenic world. Aristotle drew a distinction between *ethical* and intellectual (dianoetic) virtues: the word 'ethics' (*ηθικά*) was adopted later by his school to cover the subjects treated under both headings. In making it, he used *ἦθος* primarily in the sense of character and disposition. But his inquiry into the origination and confirmation of moral character led him to emphasise instruction and practice as the principal incentives to intellectual and ethical virtue respectively; and the close relationship of the words *ἦθος* and *ἔθος* seemed to him to be in itself an argument for the connection between virtue and custom.<sup>1</sup> Modern philology also considers the words to have been originally identical, and thus decides in favour of the etymological essay of the ancient philosopher. But there can be no doubt that in the linguistic usage of his time their significance was felt to be different. *Ἕθος*, like the allied Latin term *consuetudo*, laid the chief emphasis upon external custom. In the case of *ἦθος*, the earlier and narrower significance, still retained in Homer, of the abiding-place of men or animals had been changed to that of the disposition resulting from the familiar environment,—a change of meaning which is typical of the origin of a large number of terms denoting psychical states and mental characteristics. There can be no question that Aristotle, when he called the virtues which are rooted in disposition and character 'ethical,' was thinking principally of this secondary significance, which even at the present day marks off 'ethos' as specifically different from custom. The thought of an etymological connection with the like-sounding *ἔθος*, a word familiar to him in the sense of 'use and wont,' was first suggested to the philosopher by his own ethical theory; the theory can hardly owe its origin to a fact of linguistic relationship which

<sup>1</sup> *Nicom. Ethics*, B. 1. Cf. the very similar passage in the *Magn. Moral.*, A 6: *τὸ γὰρ ἔθος ἀπὸ τοῦ ἔθους ἔχει τὴν ἐπωνυμίαν*

had long since disappeared from the general linguistic consciousness.

The Romans borrowed all their philosophical terminology from the Greeks, and that of ethics is no exception to the rule. Thus the term *moralis*, which gave rise to the expression *philosophia moralis*, was a direct translation of Aristotle. Cicero remarks expressly, in the passage where he introduces the word, that he has formed it on the analogy of the Greek *ηθικός* 'in order to enrich the Latin language.'<sup>1</sup> The Latin word *mos* is, as a matter of fact, by no means synonymous with *ηθος* in the Aristotelian sense, the Roman originally meant by *mos*, *mores* merely the externals of custom, or the characteristic of ordering one's conduct in accordance with current standards. but this Cicero overlooked. The term *moralitas*, from the adjective *moralis*, does not occur in classical Latin.<sup>2</sup> It passed into the modern Romance languages and into English from ecclesiastical Latin, in which it had a great vogue. In German, it is highly probable that the word *sittlich* = *moralis* is simply a rough translation of the Latin term, and that its adoption led to the formation of *Sittlichkeit* as the equivalent of the substantive *moralitas*. This view is borne out by the fact that in Middle High German the word *sittlich* (*sitelich*) is used exclusively in the sense of the modern *sittig*, to mean 'modest,' 'seemly,' 'according to custom,' while the word *Sittlichkeit* is not found.<sup>3</sup>

Such is the result of an inquiry into the linguistic usage of the civilised peoples with whom we are most nearly

<sup>1</sup> *De fato*, I. (*Opera*, ed Orelli, iv. p. 567.)

<sup>2</sup> The lexicons name Macrobius as the writer who first used the substantive *moralitas*. In the only passage where the word occurs in MACROBIUS (*Sat*, Lib v, c 1, 16), however, it does not mean morality, the author is speaking of the 'moralitas stili,' the character of a style. According to DUCANGE'S *Glossarium nov. ad script. med. aev.*, Ambrosius, a Church father, living about the same time (the end of the fourth century), is the first who uses *moralitas* in the sense of *morum probitas*.

<sup>3</sup> M LEXER, *Mittelhochdeutsches Taschenwörterbuch*, 2 Aufl., Leipzig, 1881.

concerned. When we remember, further, that in every other instance where we can interrogate the natural linguistic consciousness we find only names for individual virtues and special moral excellences, it seems fair to conclude that the concept of the ethical in general does not arise except by way of *scientific* reflection. This does not mean that the primitive consciousness was entirely lacking in anticipations of it. Praise and blame are such natural expressions of the way in which we regard the actions of our fellow-men, that they could not have been wanting even while the capacity for ethical discrimination was in its crudest stage; and as soon as there was praise and blame, all the acts that were 'praiseworthy,' different as they might be in details, would necessarily be felt to belong together. But between this instinctive grouping and the conscious union of the various ethical phenomena under a single concept, there lies a long labour of abstract thought, such as always requires science for its accomplishment. On the other hand, as science, in forming its concepts, has invariably followed the natural lines of connection and division, it follows, of course, that scientific ideas have in turn had a strong reactive influence on the general consciousness and its ideational contents as coined into language.

(b) '*Good*' and '*Bad*.'

The marks of this influence are seen most clearly in certain ideas which had so far developed, before the general idea of morality took shape, as practically to cover the antithesis of 'praiseworthy' and 'blameworthy': the ideas of *good* and *bad*. No languages seem to be without them, but in none is their original significance precisely the same. (Thus the Hindoo identifies the good with the true, the bad with the untrue. The Greek uses *ἀγαθός* to indicate personal bravery and other commendable characteristics, a sense which reminds us of

the peculiar connection of the 'good' and the 'beautiful' in the Greek mind. In the Latin *bonus*, on the other hand, the original stress is upon the material gifts of fortune, and the superiority of birth which goes with them. Lastly, the English *good* and German *gut* are etymologically connected with the German *Gatte*, and so mean 'fitting,'—a fact which seems to indicate a high esteem for any generally useful aptitude<sup>1</sup>. Similar varieties of meaning have become stereotyped in the words which group the total sum of praiseworthy characteristics under an abstract objective idea. The Greek *ἀρετή*, for example, points us to the outward circumstance of personal courage and the other moral attributes, the Latin *virtus* lays emphasis upon manliness and steadfastness of character; while in German the reference to what is suitable and fitting is even more explicit to the modern linguistic consciousness in the substantive *Tugend* than it is in the adjective *gut*.

So the familiar statement that it is never really possible to translate the words of one language into another receives what is, perhaps, its very strongest confirmation in the case of ethical terminology. At the same time, we should not hastily infer from this that there was originally no agreement at all as regards the morally praiseworthy and blameworthy. Steadfastness was as certainly esteemed a virtue by the Hindoo as truthfulness by the Romans or ancient Germans. It is only the relative estimation of the different moral attributes that varies. And even this difference has grown gradually less, in the natural course of development of the popular consciousness, under the influence of an universal tendency in the formation of concepts: the tendency to the continual enlargement of the meanings of words. The most striking

<sup>1</sup> For the Hindoo usage of ABEL BERGAIGNE, *Religion védique d'après les hymnes du Rig-Veda*, p. 179. For the Greek, cf. LEOP. SCHMIDT, *Die Ethik der alten Griechen*, 1 p. 289. For German, cf. SCHADE, *Altdéutsches Wörterbuch*, 3 Aufl., p. 358.

praiseworthy attribute comes to serve more and more as a designation for the praiseworthy in general. The unity of the moral personality, in which dissentient virtues are always manifested together, was a great incentive to this extension of meaning, suggesting as it must the use of the term 'good' to denote the union of a whole number of personal traits. But here too the final step remained for philosophical ethics. Just as it had created a general designation for morality, so it gave the ideas of 'good,' 'bad' and 'virtue' a more widely-reaching value and significance, in which the old national and local shading of ethical appreciation disappeared, leaving only those last indelible traces which even philosophy cannot completely do away with. So the gradual levelling out of specific ethical preferences goes hand in hand with the formation of the general concept of morality, both processes alike finding their completion only in scientific ethical reflection.

Now it is an universal characteristic of change of meaning in words that external, sensible properties furnish designations for the facts of the inner, mental life. In the terms 'good' and 'bad,' the traces of this sensible origin are exceedingly clear. Indeed, they are perhaps more obvious here than anywhere else, since *both* meanings, the sensible and the ethical, have remained side by side in ordinary use. We speak to-day of a 'good dinner' as naturally as we speak of a 'good action,' and of a 'bad tooth' as naturally as of a 'bad conscience': and the same phenomenon recurs in the corresponding words of all languages. But wherever we can procure evidence of the original significance of a word, we find that it comes closer to the sensible than to the ethical meaning: and we have consequently every right to suppose that the ethical application grew out of the sensible, however early in the history of language the transference may have taken place. Possibly, the very fact that it did take place

at an early period has assured the continuance of the sensible meaning of 'good' and 'bad.' For in this respect the words stand in marked contrast with other comparatively recent terms of the ethical vocabulary, in which an original non-ethical significance has been entirely displaced by ethical usage.<sup>1</sup>

It is also possible that the very early transference of meaning from sensible to ethical, in the words for 'good' and 'bad,' accounts for a peculiarity which appears to attach to these adjectives in language, almost without exception: I mean the fact that all the words for 'good,' and the great majority of those for 'bad,' originally possess no degrees of comparison, and that language has therefore been compelled to have recourse for their formation to other word-stems. The reader will think at once of the English *good* and *better*, of the Latin *bonus* and *melior*, of the Greek ἀγαθός and βελτίων or ἀμείων, etc. In the case of 'bad' or 'evil,' the phenomenon is not quite so constant. It is true that the Latin *malus* has the comparative form *pejor*, but Greek very soon renounced the borrowing process,—we find *kakíων* and *kákios* even in Homer. In English we have *bad* and *worse*, and in German there is a certain tendency to avoid the direct comparative. the forms *boser*, *boseste* do not appear till Middle High German, and in modern usage are preferably replaced by other derivatives, *e.g.*, *schlechter* (in Luther's German, *ärger*). These linguistic phenomena have been regarded as evidence that the popular consciousness is inclined to give the term 'good' an absolute

<sup>1</sup> One of the most striking examples of this kind is the word 'egoism,' which originated about the year 1700 in the French Cartesian school. It was used at first in the sense of subjectivism or scepticism, and did not acquire the ethical meaning now generally current till toward the close of the eighteenth century. Cf. my article *Das Sätzliche in der Sprache*, in the *Deutsche Rundschau*, 1886, xii. p. 70.

value, which excludes any idea of more or less.<sup>1</sup> But it is to be noted as against such an interpretation, that besides the word for 'bad,' those for 'great' and 'small' show something of the same character; and that, generally speaking, the formation of derivatives from different word-stems to express related ideas is not by any means unusual: cf, *eg*, the forms of the auxiliary verb. On the other hand, the phenomena seem to be confined to very old linguistic formations, dating from a time when language could still derive ideas of similar meaning from different modes of sense perception. Here, then, is another fact, which, like the continuance of a secondary sensible meaning alongside of the ethical, noticed just now, bears valuable testimony to the early origination of moral ideas. It is further characteristic that the change of form in degrees of comparison is limited to a group of adjectives which can be employed directly, for the description of an individual man, in cases where there is no intention of comparing him with other objects possessed of similar attributes. In this sense, therefore, we may very well say that language attaches an absolute value to the terms, 'good,' 'bad,' 'great' and 'small.' But the absolute significance is nothing more than that, *eg.*, which belongs to the proper name. The adjectives have been employed like proper names,—often, perhaps, in place of them,—as constant designations of particular persons. In such cases the idea of quantitative comparison is altogether absent. Hence in the quite different cases where comparison does come in question, it is natural that recourse should be had to different word-formations. Even so, however, the uniform lack of normal degrees of comparison for the term 'good' marks that word off from the remaining three, and may be regarded as a sign of constant and especial attention to the praiseworthy features of human personality.

<sup>1</sup> SCHMIDT, *Die Ethik der alten Griechen*, i. p. 289

The influence of the *moral personality*, which shows so clearly in these facts, is seen quite as plainly in the phenomena of the development and differentiation of particular ethical ideas. There, too, the study of language leads inevitably to the conclusion that the idea of morality is at first intimately connected with the person and with personal conduct, and that its severance from this substrate is a very slow and gradual process. Only in course of time do ethical ideas acquire an objective significance of their own, so that they can be made topics of thought without any direct reference to the concrete contents of an actual moral life.

## 2. THE DEVELOPMENT OF SPECIAL MORAL IDEAS

### (a) *The Separation of Ethical Ideas from their Substrate.*

The gradual severance of individual ethical ideas from the substrate of moral personality and conduct upon which they were originally based is a process that stands in the most intimate connection with the formation of general ethical concepts. No general idea of morality is possible, indeed, until the process of separation has run its full course in the individual case. Hence the antithesis of good and bad, which contains the germ of the general idea of morality, was at first inextricably bound up with the sensible idea of a person whose actions call forth the admiration or disapproval of his fellow-men.

In the present instance, however, the use of good and bad to denote personal characteristics seems to have passed over into an impersonal and objective use at a relatively early period. A connecting link between the two uses was furnished by the application of the words to desirable and undesirable objects; and when the impersonal meaning had established itself, the step to a still more abstract ethical significance could be taken without much difficulty. Thus

'goods,' *bona*, τὰ ἀγαθά, in the sense of material possessions, *i.e.*, as referred to sensible objects, undoubtedly come earlier in the history of language than 'good,' etc., as applied to ethical actions and intentions. And it may well be that 'good,' in this latter meaning, originally carried with it the consciousness of a metaphorical transference of the kind that we still feel to-day when, *eg*, we call virtue a 'good.'

But variety of usage and significance is not the only thing that puts the stamp of primitiveness and originality upon the terms 'good' and 'bad.' Nowhere do these attributes appear more clearly than in the technical, ethical employment of the words to denote abstract objective ideas: their adjectival character is writ large upon them. In many other cases all traces of this origin in the adjective have been obliterated, the derivation of the word belonging to a remote period in the history of language for which we have lost all linguistic feeling. Nevertheless, the derivation is always a reality. Wherever an abstract ethical idea can be traced back to its first beginnings, the adjectival starting-point becomes clearly discernible. Thus *Tugend* (virtue) comes from *das Tangende* (Old High German *tugan=tangen*, 'to be worth' or 'fit'), *Laster* (vice) means 'what is blameworthy' (*lahan=tadeln*, 'to blame') and *virtus* is 'manliness' (*vir*). But the dependence of ethical ideas upon the concrete moral personality and moral conduct is shown most plainly in the compound words which belong to a comparatively late period of linguistic development. In Greek we have, *eg*, ἀνδραγαθία from ἀγαθός, δακαιοσύνη from δίκαιος, εὐσέβεια from εὐσέβιος, σωφροσύνη from σώφρων, etc. German, like Greek, has an almost unlimited capacity for the formation of such compounds. The Greek terms, however, are derived immediately from an idea of a personal attribute; the German, probably on account of the relatively later differentiation of moral ideas, are more often taken from already

existing substantive forms, which in most instances get their specific ethical character by the fact of composition. Thus, besides *Sittlichkeit* (morality) itself, there are *Edelmuth* (generosity), *Mitleid* (sympathy), *Schadenfreude* (maliciousness), *Eigennutz* (selfishness), *Selbstliebe* (self-love), *Selbstsucht* (egoism), and many others. It often happens, further, that these late-formed concepts give rise, as it were by a reaction of the formative process, to new adjectives. *der Edelmuthige*, *Mitleidige*, *Eigennutzige*, etc. But we are manifestly dealing in all these cases with a vocabulary that has been strongly influenced by scientific reflection, so that only the constituents from which the moral ideas were formed, and not the ideas themselves, can be claimed as a possession of the primitive race-consciousness.

It has been considered a significant ethical tendency in language that negative expressions should be chosen for the designation of the various forms of immorality, and that, while virtue may always be changed into vice by a negative prefix, the process cannot be reversed. Injustice (*Unrecht*) stands opposed to justice (*Recht*), immorality (*Unsittlichkeit*) to morality (*Sittlichkeit*), discord (*Unfriede*) to concord (*Freude*): *Untugend* (vice) is the antithesis of *Tugend* (virtue), dishonour (*Ehrlosigkeit*) of honour (*Ehre*), unfaithfulness (*Untreue*) of faithfulness (*Treue*), and so on. But we have no negative forms from crime, avarice, hate, pride and the like. These facts are thought to furnish a proof that, on the one hand, the idea of the morally praiseworthy took shape in many instances at an earlier period than its opposite, and that, on the other, vice presents itself to the linguistic consciousness as a mere negation of virtue, but not virtue as a mere negation of vice<sup>1</sup>.

Now it would in any event be dangerous to draw such wide-reaching conclusions from phenomena that are, in

<sup>1</sup> RUDOLPH VON JHFRING, *Zweck im Recht*, II. pp. 78ff.

large proportion, peculiar to the linguistic usage of modern German. But that apart, we cannot grant that the facts themselves are as they are represented to be. In the first place, the most fundamental antitheses of all—good and bad, virtue and vice—have been expressed in positive form; and, secondly, the cases in which a morally praiseworthy attribute is changed into its opposite by negation can be paralleled by numerous examples where the reverse is true. Thus innocence (*Unschuld*) is the correlate of guilt (*Schuld*), sinlessness (*Sündlosigkeit*) of sin (*Sünde*), ungrudgingness (*Neidlosigkeit*) of envy (*Neid*), unselfishness (*Selbstlosigkeit*) of selfishness (*Selbstsucht*). We also have the terms guileless (*arglos*), fearless (*furchtlos*), harmless (*unschädlich*), irreproachable (*unbescholten*), incorruptible (*unbestechlich*), immaculate (*unbefleckt*), inoffensive (*harmlos, unanstossig*), etc.,—all of them expressions which designate a praiseworthy moral attribute by the negation of its opposite. And if there does prove to be a slight preponderance of negative forms on the immoral side,<sup>1</sup> still we cannot see in the fact a characteristic of ethical ideas as such. It is simply an illustration of a general law which governs the choice of names for everything that can occasion human pleasure or displeasure. Where there are not special and, as a rule, obvious reasons to the contrary, it is usual to designate what is pleasurable by positive, and what is unpleasurable by negative terms. We should not, of course, be justified in arguing from this that pleasure arises earlier than pain. It is a familiar psychological observation that the two qualities are necessarily interdependent, and in any case we must

<sup>1</sup> With the help of some dictionaries, I have made a small essay in statistics to discover what proportion of German words for moral ideas begins with *un*. I find that the negative designations of blameworthy stand to the negative designations of praiseworthy attributes approximately in the relation of 3:2. If we turn to Latin, and make the words formed by the privative *in* the basis of our calculation, we get a still greater difference—the proportion is very nearly 3:1.

assume that they are both as old as, if not older than, man himself, since there is unmistakable evidence of their presence in the animal mind. Long before language had developed, therefore, the affective opposites which language was some day to name were already in existence. Now the more sharply two contrasting ideas were felt to be opposed, when the time for naming came, the more natural was it to express one of them by the negation of the other. This does not mean that it is a matter of sheer accident that unpleasurable things are oftenest designated by negative forms. But the reason is most certainly not to be found in the fact that only a positively named idea has a positive contents, and that the negative idea is apprehended merely as the negation of the positive. In the sphere of the sense feelings, where we also have the antitheses of 'agreeable' and 'disagreeable,' 'happy' and 'unhappy,' the diametrically opposite position has frequently been taken, that the essence of pleasure lies simply in the absence of displeasure and pain. This is an exaggeration in the other direction, but so much at least is true, that in general both feelings alike possess a positive contents, while in the individual case sometimes one and sometimes the other is the more positive. Virtue is more than a mere negation of vice, but vice in its turn is just as little a mere negation of virtue as pain is a mere negation of pleasure.

There is, moreover, another reason which seems amply sufficient to explain the attraction for negative expressions possessed by what is disagreeable and blameworthy. I mean the relationship that obtains psychologically between disagreeable feelings and the logical function of negation. As in negation we reject a proposition that has been conceived of as possible, so the unpleasurable emotion turns away from the painful object. In both instances the direction of volition is away from something presented,

and consequently logical negation is attended by a feeling—in cases where the judgment is at all strenuous, by a very pronounced feeling—which has all the characteristics of the psychological feeling of unpleasantness. Under such circumstances it is readily intelligible that moral disapproval should connect more easily than moral approbation with a negative expression. But if any inference at all is to be drawn from this fact to the development of ethical ideas, it is simply that moral ideas, as their formulation in pairs of opposites still shows, are very closely connected with the activity of consciousness in pleasurable and unpleasant emotions.

As a matter of fact, there are many other linguistic phenomena which indicate that this relation of moral approbation and disapprobation to the sense feelings does not depend upon a merely external analogy, but upon an original identity. The moral feelings have, we may assume, been developed from the feelings of sense by a specific process of differentiation. The first beginnings of this process are, of course, beyond the reach of proof. But that the differentiation is still in progress is evidenced by what we may call an *inwardising of moral ideas*, along with which goes a continuous and, for the most part, parallel change of meaning in the ethical vocabulary.

#### *(b) The Deepening of Moral Conceptions.*

As compared with the transference of sensible meanings to the ethical sphere in the case of the general ideas of 'good' and 'bad,' the change of significance now to be discussed might be termed a *latent* change. The character of the ideas remains on the whole what it always was; but their deeper reference and emotional value alter. The change takes place so slowly that we are usually obliged to compare civilisations separated by relatively long periods of time in order to

discover its presence at all. And yet in the course of centuries there appear differences so great that almost the only points which ethical conceptions of the same name have in common may consist in continuity of development and the general sense of moral approbation and disapprobation.

A striking example of this continuous change in ethical conceptions is afforded by the general term *Tugend* (virtue) itself. It is clear that from the first the word has been used principally to denote that which is morally approved; but its particular shade of meaning differs in the different civilised peoples, varying with the national character. The German word, as we saw above (p 33), emphasises the idea of fitness, probably in the sense of fitness for service in matters of peace and war, the Greek *arete* and the Latin *virtus* point to other root meanings, which again differ from each other. The Greek stands nearest to the German. But the verb *ἀπέτάω* combines the two meanings of fitness and success; and *arete* is similarly distinguished from *Tugend*, in that it unites the idea of ability with that of the respect which ability commands<sup>1</sup>. The worth of the person or of the act does not in itself satisfy the Greek. he requires that both take their due place in the eyes of the world. Fitness of character, ability, can hope for recognition only when connected with physical beauty. Hence we have in *arete* a blending of the three elements of ability, beauty and outward respect. There can be no doubt that originally the most external of these, the element of respect, was predominant. But it yields more and more, especially in the poets and orators of the Attic period, to the personal characteristics that call it forth; until finally, in philosophical ethics, *arete* comes chiefly to mean those special personal characteristics that are necessary for the discharge of the great human and social duties, reverence of parents, the exercise of hospitality, the conduct of private

<sup>1</sup> L. SCHMIDT, *Die Ethik der alten Griechen*, I. 295 ff.

and public affairs,—whereas the outward advantages of beauty, strength, intrepidity, etc., upon which so much stress had once been laid, become of subordinate importance.

In Latin the idea of *virtus* has passed through a similar development. Originally, its meaning was, as Cicero remarks, almost identical with that of *fortitudo*, manly steadfastness. Gradually, and again under the influence of poetry and philosophy, themselves in large measure determined, of course, by their Greek prototypes, it took on a deeper significance, and came to be used principally to denote moral excellence. But we have, perhaps, an indication that the influence did not extend very far, at any rate not far enough to affect the real popular consciousness, in the curious fact that *virtus* retained its older and less inward significance, along with the new, much more fully than *Tugend*, or even than *arete*. Thus not only courage in war, but also oratorical skill and bodily health are, on occasion, called *virtus*. The first step toward a deeper conception has here been taken: an inner meaning has been superadded to the originally external significance, and has by slow degrees obtained the upper hand. But the second step, the complete stripping away of the external significance, has not yet been accomplished. Nevertheless, we see plainly enough, despite the differences in the course of development of the three ideas, that the goal in each case—a goal, it is true, never quite attained—is the abolition of original national distinctions; and that philosophical reflection has played no small part in the process of equalisation (*cf.* p. 25).

All the words which express particular phases of the ethical character or of ethical valuation have followed a like course of development, so far as they are of ancient origin at all. Thus in German (and we shall confine ourselves here to German terms), aside from the antithetic ideas of good and bad discussed above, we may mention

words like *gerecht* (just), *fromm* (gentle, devout), *stolz* (proud), *tückisch* (malicious), *schlecht* (evil), *Achtung* (esteem), *Würde* (dignity), *Ehre* (honour), etc. *Gerecht* originally had the same meaning as the Latin *rectus*, 'he who goes the straight way.' It is used in the older language in the sense of 'clever' or 'fit,' and comes from the root *reg*, the primitive significance of which is retained most purely in the Latin *regere*, 'to guide.' From the same root we have further the substantive *Recht* (law), in the sense of externally established social order. This idea of law has probably reacted, in turn, upon the conception of 'being *gerecht*'; so that now the just man is the man who acts in accordance with the law, who is free from guilt. Not till this reaction has taken place is the ethical contents of the idea assured.

The original meaning of *fromm* is still kept in some measure in the verb *frommen*, 'to be of use,' 'to further.' *Der Fromme* is the useful man, the excellent man, at an earlier stage of the language perhaps the 'chief' man (the Gothic *fruma* corresponds exactly with the Latin *primus*). In *fromm*, therefore, a general idea of precedence has been narrowed down first of all to the idea of preeminence by personal characteristics, and then further to that of the preeminence of a God-fearing, religious disposition.<sup>1</sup> The word *edel* has undergone a very similar change in meaning. The only difference is that the idea of nobility of birth (*Adel*, with which *edel* is etymologically connected) has held its place alongside of the predominant ethical significance of the term, although of less frequent occurrence in ordinary usage.

The same inwardising process can be traced in the history of the words that express moral disapproval. The adjective *stolz* was formerly applied exclusively to a vain, ostentatious character; so that it has been derived, though in all probability wrongly, from the Latin *stultus*, 'foolish.' A better

<sup>1</sup> GRIMM'S *Wörterbuch*, iv 1, p. 239.

derivation connects it with the old German word *Stelze*, 'stilts' *Tucke*, knavery, is a misunderstood plural of the older word *Tuck*, which means a quick and unexpected blow. The *Tuck* was perfectly fair in battle or tourney, and the word, like so many others, had no bad secondary meaning till it was transferred to the inner attributes of character. Lastly, we have a very remarkable pair of similar ethical adjectives in *schlumm* and *schlecht*. At the present day they mean pretty much the same thing, but, originally, they were opposites. *Schlumm* (Middle High German *slump*) is 'crooked,' and *schlecht* (*slecht*) is 'straight.' It is supposed that *schlecht* got its bad meaning by way of the intermediate stages of 'simple,' 'plain,' 'poor,' 'mean.' In the phrase *schlecht und recht*, which has come down to us from Luther's German, *schlecht* is still used in the old sense: the adjectives are synonymous and reinforce each other. That two words of practically the same original significance should develop in diametrically opposite directions can have happened only through that transference of meaning from without inwards, in course of which one and the same sensible image may come to have entirely different emotional and intellectual value, according to the light in which it is regarded. In one case, straightness becomes symbolic of the good character, which contemns deceit and subterfuge. In the other, it stands for the narrow disposition, that pursues only low and selfish aims.

In all the instances that we have taken so far, the deepening of ethical significance takes place by a shift of emphasis from external to internal attributes. The same result can be produced in another way, by a change of meaning in expressions that refer to the estimate put upon moral attributes by the outside observer. The whole ethical vocabulary falls into two great divisions: words that denote ethical characteristics, like 'good' and 'bad,' and words that indicate the estimate put

upon ethical characteristics, like 'esteem' and 'contempt'. Words of the second class show the same shift of emphasis as words of the first. They may also undergo the further change of transformation into ideas of the other class: that is to say, they may exchange their objective meaning for a subjective. This change, too, can be brought in general under the head of the inwardising of ethical conceptions. The moral attribute has always and everywhere a higher value for the moral feelings than has the corresponding expression of praise or blame or any other outward consequence of disposition and action. A more intensive feeling is associated with nobility of character than with praise and approbation; and sin and guilt are more potent than the ideas of expiation and punishment. The idea of virtue is subjective from the first, but it grows deeper with the inwardising of the attributes to which it is referred. In the case of crime there is another factor in the deepening process; the word originally means merely the blame expressed by others, and only gradually passes over to the blameworthy characteristics themselves.

The ethical idea may, however, retain its objective meaning, and change simply so far as to signify estimation of the inward rather than of the outward. Thus *Achtung* (esteem) originally meant the attention that one man shows to another who is his superior (*cf.* the present meaning of words like *beachten*, 'to observe,' *achtgeben*, 'to look out,' etc.) Hand in hand with the limitation of the word to moral attributes has gone an intensification of its significance. *Wurde* (dignity) is connected with *Werth* (value) that is *wurdig* which possesses *Werth*. *Werth*, like the corresponding Greek word *τιμη*, refers primarily to the purchasing price or other external means by which a valuable object can be procured. Here again, therefore, we see a transference from external valuation to valuation of character and its attributes. The material

basis of these ideas is shown most plainly in the Latin word *aestimare*, where the *aes* (metal, money) points directly to a money valuation. A like change has probably taken place in the German *Ehre* (honour). Here it would seem that the characteristic transfer of meaning includes several distinct steps. *Ehre* originally signified a gift proportionate to the value of that which was to be attained or purchased by it. Then it was used also to denote this value itself; i.e., it experienced the change from objective to subjective, although the objective meaning still remained. We speak to-day of a man of honour as well as of a man to whom honour comes. Lastly, while both uses have continued side by side, the ethical significance of the word has been visibly deepened. The emphasis has gradually changed from the external splendour with which a man surrounds himself, or by which his fellow-men distinguish him, to the inward attributes of character and their valuation. Nevertheless, there are many current phrases — *Ehrengeschenk* (complimentary present), *Ehrentag* (day of honour), *Ehrenzeichen* (mark of distinction), etc.—in which we can trace indications of the external splendour once associated with the word.

This word *Ehre* is used in still another reference, which we must mention here, since it has left a deep imprint on the ethical vocabulary at large. One of its most important meanings at the time when its application was predominantly objective was that of *Gottesehre* (worship)<sup>1</sup>. The same thing holds of the Latin *honos* and the Greek *τιμη*: their principal meaning, especially in earlier times, was that of honour paid the gods. In fact, the religious reference occurs very generally in all the terms expressing moral approbation and disapprobation, while it not seldom extends to 'good' and 'bad,' and to other moral attributes. Such reference to the worship of gods is especially frequent in the Indo-European

<sup>1</sup> GRIMM's *Wörterbuch*, III p 54.

languages. It has shown the greatest vitality in India,—a fact which is readily intelligible when we remember the immense significance for ethical valuation there possessed by sacrifice and other forms of ceremonial<sup>1</sup>. In these earliest traces of the development of ethical and religious ideas language calls our attention to an influence whose effects we shall find more clearly marked in the ethical contents of religious ideas themselves and in the original forms of custom. But the reduction of moral ideas to a religious root brings us, like all the phenomena that we have considered hitherto, to the same general result: that ethical conceptions have gained their specific contents little by little, and only gradually freed themselves from the inter-mixture of foreign elements.

Language thus leads us by various paths to the conviction that moral ideas, as we know them to-day, are the products of a long course of development, which has taken the form of a continuous deepening and inwardising of ethical conceptions. Numerous facts go to show, further, that poetry and philosophy have exercised a very considerable influence on this process. It is true that the phenomena of language do not admit of direct translation back again into ethical processes: the ideas themselves are different from their vehicles of expression, and here as everywhere the external mark is later than the internal act for which it stands. But on the other hand no change of moment can occur in the world of conscious ideas without having its effect upon the vehicle whereby thought is expressed, so that we may at any rate assume that the development of moral ideas has followed

<sup>1</sup> Cf. A. PICTET, *Origines indo-européennes*, 2<sup>e</sup> édit., iii pp. 298, 461 ff. Among the words for good and bad, the Latin *malus*, Sanskr. *malas*, seems to have preserved the reference to religious worship in its purest form. It is connected with the Greek *μέλας* (black), Sanskr. *malam* (dirt), and traced to a root *mal*, meaning originally to 'defile' or 'spot.' Cf. CURTIUS, *Gr. Etym.*, 5 Aufl., p. 370.

the same general lines as the change of significance in the constituents of the ethical vocabulary. This change shows us, in particular, two general facts, which may be regarded as the most significant in the whole process. The first is that value comes to be placed less and less upon the external advantages of physical gifts and training, and external compliance with the injunctions of ceremonial and custom, and more and more upon the inner attributes of character and disposition; the second, that the original standard of value—practical ability, estimated with regard to the usefulness of the performance of the individual to his friends or to society—gradually loses its preeminence, and has to accept as its compeers certain individual characteristics, from which society and friends cannot expect any immediate advantage. The latter fact exhibits the emancipation of moral ideas from selfish motives; both alike evince a deepening of the ethical judgment.

*(c) The Universal Validity of Moral Ideas.*

The conclusions at which we have now arrived suggest a further and final question, to which the history of the ethical vocabulary cannot return a direct answer. It is the question whether the first rude stages of moral development are at all comparable with the developed moral consciousness; whether the beginnings of the later morality are included in the earlier, or whether primitive ethical conceptions might not, perhaps, have given rise to quite different, even to diametrically opposite, views of right and wrong.

Important as the fact is that mankind everywhere approve of certain qualities and actions and disapprove of others, still, the existence of these opposite judgments does not necessitate any kind of agreement in the motives which prompt them. Nor does the circumstance that certain sensible characteristics, like health and physical strength,

are valued, and their opposites despised, prove anything for our present purpose, since these characteristics are themselves morally indifferent. If the moral is, in its primitive stage, entirely identified with the sensible, then it does not seem to be at all inconceivable that morality might have developed in a precisely opposite direction.

There are, however, two phenomena to be taken account of here: phenomena which go to prove, not that there was an original identity of moral ideas, but at least that man has always had the same kind of moral endowment. (1) The first is that the sensible qualities which the savage finds admirable are related both in emotional character and in causal connections to the moral attributes approved by civilised man. Bodily health and physical strength have always constituted the normal sensible basis of spirit and courage and skill. This is far truer, of course, in the primitive stages of moral culture than in a more advanced civilisation, but the sensible elements in human nature will always assure it a certain degree of truth. And we may therefore confidently assume that, from the very first, the prizing of physical strength has been accompanied by a prizing of the moral qualities associated with it. (2) The second fact to notice is that from this similarity in the sensible endowment of the human consciousness there has finally arisen, as a matter of history, a similarity of moral conceptions. Those who assert the contrary either draw an exaggerated picture of the primitive sensible stages of the moral consciousness, or overemphasise the specific toning and shading of the moral life that follow from the varying conditions of civilisation and national character. No unprejudiced observer can avoid the conviction that, in the last resort, the differences here are no greater than they are in the intellectual realm, where, in spite of all the multiplicity of views and schools, the universal validity of the laws of thought remains unquestioned.

An objective interpretation of the testimony of language is, therefore, unfavourable both to the anthropologists who regard moral ideas as a late discovery, confined to certain civilised peoples, and to the philosophers who explain them as an original possession of the human consciousness. Like all our conceptions and ideas, those of morality pass through a course of development; but the germs of this development are of like character from the outset, and the development itself, while exhibiting great differences of detail, follows uniform laws.

But the witness of language, as embodied in the vocabulary of ethical ideas and its changes, gives us only the outward tokens of the immense development which the moral consciousness itself has undergone. The great value of these tokens consists in the complete objectivity of linguistic evidence, a quality in which no other form of tradition can even approach it. But if we wish to discover the conditions of the development thus revealed by language, we must look about us for other lines of evidence, referring not to the outward signs of moral ideas, but to morality itself. There are two principal sources of such evidence. The one consists in *religious* conceptions, the other in the *social* phenomena that are governed by custom and legal norms. In religious views it is the inner motives, in social phenomena the external aims of ethical endeavour that are chiefly manifested. Both alike are further influenced by *natural environment* and the *conditions of civilisation*.

## CHAPTER II.

## RELIGION AND MORALITY.

## I. MYTH AND RELIGION.

(a) *Religion.*

THE question of the connection between religious and ethical conceptions is, as everyone knows, still in dispute, and there seems to be but small prospect of a reconciliation of the opposing views. An investigation of the relations obtaining between the two, as a matter of fact, in national life and consciousness, must steer its course as far as possible from controversial quicksands. The chief concern of the disputing schools is not with an objective examination of the phenomena, but with argument and counter-argument as between divergent theological and philosophical theories; so that facts, if they come into consideration at all, are treated simply as things to be explained from the particular standpoint assumed, and oftentimes become so changed in the process of explanation that it is difficult to recognise them for the facts they were.

There is, however, one point in which no investigation can keep wholly clear of controversy: the definition—absolutely indispensable to any further discussion—of what we mean in general by the word religion. Here there are no less than three fundamentally different hypotheses in the field. Fortunately, if we take into account the various gradations in

which each of them may occur, these three views are representative for all practical purposes of every possible shade of opinion upon the subject. We may term them the *autonomous*, the *metaphysical* and the *ethical* theories of religion.

(1) The autonomous theory, plainly foreshadowed in the views of Hamann and Jacobi, became explicit in the work of Schleiermacher. It maintains that religion is an independent domain, above and beyond those of metaphysics and ethics. While the subject of metaphysics is theoretical knowledge of finite things, and that of ethics the relations of empirical conduct, religion is an 'immediate consciousness of the universal existence of all finitude in infinity, of all temporal things in things eternal,' or, as Schleiermacher expressed it later, 'a feeling of absolute dependence.'<sup>1</sup>

(2) The metaphysical theory identifies religion with speculative knowledge of the universe. This may either be regarded as a knowledge to which human thought attains by the mediation of ideas (the older rationalism), or made a phase of the dialectical development of the absolute mind (modern speculative idealism). Hegel's definition of religion fits both conceptions equally well. It runs as follows: 'Religion is the knowledge possessed by the finite mind of its nature as absolute mind.'<sup>2</sup> Here there is an express intention to abolish the difference between religion and philosophy, or at least to make it appear unessential and merely external. It is curious to find that in this particular point the extreme anti-metaphysical school is in complete accord with the most daring of metaphysical theorists. Auguste Comte, for example, in the introduction to his *Positive Philosophy*, declares, like Hegel, that religion and metaphysics are one and the same thing, and makes a

<sup>1</sup> SCHLEIERMACHER, *Reden über die Religion*, 4 Aufl., p. 42.

<sup>2</sup> HEGEL, *Vorlesungen über die Philosophie der Religion*, 1 pp. 37 ff.

theological, *i.e.*, a religious stage, precede the metaphysical, just as Hegel in his *Encyklopädie* treats of religion as a preliminary stage to philosophy. The valuation of religion by the two men is, however, entirely different. To Comte, religion and myth, myth and superstition, are at bottom identical, and metaphysics is a mythology of ideas. The 'positive stage' with which he closes the course of evolution, a stage in which things are apprehended as bare facts, without any hypothesis or speculation, would not be acknowledged by Hegel even as the first step in human development. Modern anthropology inclines for the most part to Comte's view, but restricts the idea of religion to a narrower territory. It defines religion as a 'belief in spiritual beings in general'. Sometimes, going further into detail, it finds the special source of religious conceptions in the ideas of a separate soul or spirit that have taken shape under the impression produced by death and dreams, and in the related phenomena of ancestor-worship. As on all these views the essence of religion is a kind of primitive metaphysics, they may all be classed under the metaphysical theory. Indeed, the original belief in spirits is, now and again, expressly termed the forerunner of the later spiritualistic systems of philosophy<sup>1</sup>.

(3) Finally, the ethical theory sees in religion the realisation of moral postulates. This mode of thinking had its roots in the 'illuminated' deism of the eighteenth century; but its most influential representative was Kant, whose doctrines are still widely current in philosophical and theological circles. Kant calls religion 'a knowledge of all our duties as divine commands,' and so makes it the sum-total of all the hypotheses that we are compelled to set up, whether

<sup>1</sup> E. B. TYLOR, *Primitive Culture*, 3rd. ed., 1891, 1 pp. 497 ff. Cf. also HERBERT SPENCER, *Sociology*, 3rd ed., 1885, 1 p. 299, and JULIUS LIPPERT, *Der Seelencult*, Berlin, 1881.

to explain the existence of the moral law or to assure its realisation<sup>1</sup>. As these presuppositions lead to transcendental ideas, empty of experiential contents, they are objects of *faith* and not of knowledge; and as it is possible that different presuppositions may fulfil the same moral purpose, there is a justification for different forms of belief. Nevertheless Kant, and most of his successors with him, are of the opinion that one particular religion—Christianity—is most adequate to the moral requirements, and at the same time best able to meet the demand for a union of faith and knowledge. In this latter idea of a *rational religion* Kant is at one with the deism of his time. In it, too, the ethical theory comes into contact with the metaphysical, the only difference being that the metaphysical demand for a *proof* of the verities of faith is moderated to the requirement that they shall be found *conceivable*. On the other hand, in the separation of faith from knowledge, the ethical theory accords with the autonomous. And as the autonomists on their side are by no means concerned to deny that religion possesses an ethical significance, the two views so far approach each other, only that the ethical theory makes religion unconditionally subordinate to morals, while the autonomous theory subordinates ethics to religion, at any rate in the matter of origins.

Even these brief remarks must have suggested to the reader that it is difficult for any one of the three schools to draw a hard and fast line of distinction between its own standpoint and that of the other two. While the autonomous theory, *e.g.*, tries to maintain its independence by emphasising the unique character of the inner religious experience, it is compelled to speak of this experience as an *intuitive* source of knowledge that claims consideration along with other

<sup>1</sup> KANT, *Religion innerhalb der Grenzen der blossen Vernunft*, 4. Stuck. Werke (Rosenkranz ed.), vol. x. pp. 184 ff.

forms of knowledge in the construction of a general metaphysical system. The sole difference, again, between the autonomous and the ethical theories consists, as we saw just now, in the relation (superiority or subordination) which they assume to exist between religion and morality. And this difference disappears when we abstract from the mode of origin of religious ideas and look exclusively to their absolute value. For both alike are at bottom agreed that the ultimate and eternal aims of morality are infinitely superior to its narrow exemplifications in the realm of sense; and even on the ethical theory, these ultimate aims are given to consciousness only in the form of religious ideas.

It is evident that the deeper reasons for these differences of opinion are to be sought, in part at least, in ethical and religious needs. But they are also so closely connected with divergences of theory as to the purpose and contents of *metaphysics*, that any attempt to reconcile them must begin with their examination from the metaphysical point of view. The autonomous and ethical theories assign to metaphysics a very limited task. They give it—to put the matter in general terms—an aprioristically valid contents, but an empirical purpose; its duty is to render an account of the general principles of reason that are valid for all experience. To the metaphysical theory, on the other hand, metaphysics is synonymous with theory of the universe. It includes not only the world of sense, but also the ideas that refer to a world above sense. And the adherents of the theory either follow the Platonic example, and attribute an unconditional superiority to the transcendent elements in virtue of the sublimity of their objects, or else relegate them with Auguste Comte to the limbo of chimera and superstition, as worthless parts of a worthless whole.

Now we need not here consider the question of values. It is a question which has nothing to do with our present

purpose of a general definition of metaphysical problems. Nor need we consider the oftentimes very dubious methods by which metaphysical theory has sought to attain its goal. But, these matters apart, we are bound to admit that the end of metaphysics is the sole end that can satisfy the craving for unification so deeply rooted in human reason. Thought must ultimately bring the whole contents of consciousness into intelligible connection, and religious conceptions are just as certainly a part of this contents as sensible experience. The investigation of religious conceptions, whether it lead to positive or negative results, will then naturally fall to that philosophical doctrine to which we assign the discussion of fundamental questions in general, and which aims to establish a consistent theory of the universe upon their discussion. Those who assert the contrary are unable, in practice, to keep religion separate from metaphysics, unless, of course, they can bring themselves to believe with Herbart that religion must be banished from philosophy altogether: in which case ethics, and still more aesthetics, necessarily follow religion with the best part of their contents. On the other hand, those who side with the most prominent representatives of the autonomous and ethical theories in declaring that the religious elements are original, or at any rate a necessary product of original moral motives, cannot refuse to recognise them as something which in a certain sense is as truly a datum, a fact of experience, as are our ideas of the external world. If we entrust to metaphysics the final and most comprehensive explanation of the world, the explanation that covers all the facts of all the special sciences, we have no reason for excluding the facts of religion from the metaphysical domain. At the same time, we must be careful not to confuse the facts of religion, as has been and is so often done, with the contents of a particular tradition or a particular dogmatic system. The facts of religion are, for

our purpose, simply those general psychological experiences to which the character of religious elements attaches in consciousness

What, now, are the religious elements in consciousness, and what are the criteria by which we can discriminate them from its remaining contents? This question brings us to a point where the metaphysical theory has only too often abused the advantage that it has of right over the opposing standpoints. Instead of basing its answer, as it should do, upon psychological analysis, it has imposed upon the facts a ready-made metaphysical and religious construction of the universe. That this is the sole way in which it could happen that specifically ecclesiastical dogmas should every now and again assume the rôle of metaphysical principles, must be clear to every unprejudiced mind. But the error goes even deeper. Not infrequently the position of religion is defined *a priori* in such a way that it is indistinguishably confused with the other departments of metaphysical knowledge. Spinoza's 'God or Nature' is characteristic of this intermixture of religion and metaphysics. The confusion is, however, not by any means confined to that pantheistic speculation of which Spinoza's phrase is typical, but is an organic defect of all philosophical thinking that is in any way inspired by theological interests.

If any of my readers still cling to the belief that metaphysics has lost nothing of its ancient sovereignty, I cannot hope to convince them by the present argument. But those who refuse to admit the claims of metaphysics in any case where it does not frankly take its stand upon the established facts of empirical investigation will agree that the question of the characteristics of *religious* ideas and feelings, and their differences from other internal experiences, must be brought first of all before the tribunal of psychology, and only after it has been psychologically examined and disposed

of, referred to the judgment of metaphysics. Now the natural place of origin of religious ideas is the popular consciousness. It is to this, therefore, that psychology will first address itself for information.

*(b) The Religious Constituents of the Myth.*

The lower the stage of development at which we can observe the ethnic consciousness, the more complete is the confusion of the religious elements in the mental life with all its other constituents. We find, that is, a prevalence of ideas which, except for their lack of clear conceptual formulation, resemble those of speculative metaphysics at the stage of scientific reflection. The *myth*, in which the unity of the primitive world-theory finds expression, has therefore not inappropriately been called a primitive metaphysics. Indeed, we have positive evidence of their relationship. From the days of Plato to the days of Schelling and Hegel, philosophical metaphysics has always taken refuge in mythological allegory at times when the abstractions of formal reasoning have proved inadequate to its needs. The point of contact between these speculative essays and the primitive race-consciousness lies in the fact that they tempt the philosopher to go behind all the divisions and subdivisions of the mental life. Instead of trying to lead the many different springs of knowledge into a single channel, he hopes by their aid to reach some highest source, from which the multitude of streams diverge. Now that highest source existed only in the beginning of things, in the age when philosophy, the pioneer of science, took its rise from the myth. It is small wonder, then, that even in our own day the search for it should not seldom carry the inquirer to the borders of the mythical realm.

The mythology of a people contains all the elements of their theory of the universe. It includes science and religion;

it regulates domestic custom and public life. There is no boundary line between one sphere and another, because knowledge is entirely lost in belief. The views taken of the course of natural events are as subjective, bear the stamp of their psychical origin as plainly upon them, as the opinions held concerning the creation of the world or the fate of man after death.

Now if the myth contains in undifferentiated form a sum-total of knowledge and belief that is later divided up among different disciplines, it is impossible to do as so many writers have done, and identify mythology and religion. On the contrary, only those elements of the myth can be put down as *religious* which retain a permanent religious significance throughout their later development, after the various departments of life have been separated off from one another. What, then, are these elements? Clearly, it is easier to specify the constituents that are *not* religious than it is to define the characteristics by which the *religious* elements may be recognised. Thus all features of the myth that refer simply to the primitive explanation of visible natural phenomena can be eliminated at the outset. They are really just as little *religious* elements as the Ptolemaic and Copernican systems are *religious* theories. At the same time, it is but very rarely that this distinction can be drawn as between myth and myth,—that a particular story can be classified as entirely *religious* or entirely non-*religious*. The undivided unity of mythological conceptions not only leads to the attribution of various functions to one and the same divinity, but also allows one and the same myth to present various aspects, so that it is ordinarily in part *religious* and in part concerned with the explanation of some natural phenomenon. Moreover, as a general rule the different aspects are not even separate elements in the single process, it is usually one and the same series of ideas that

satisfies the intellectual craving for explanation and contributes to religious edification. But though this circumstance may make it an exceedingly difficult task precisely to discriminate the religious constituents of the myth, it does not make discrimination impossible. For even when the same mythical process combines a variety of meanings, we shall still be able to determine which of them or which of their effects upon the mythologising consciousness are religious in tendency. What we shall not be able to do, despite the assurance of many anthropologists and mythologists, is to trace the development of the idea of religion from the myth. No! we must first of all examine religion after it has broken free of its mythological connections, and only then go back to the myth itself, and try to define its religious contents. In doing this, again, we must not lose sight of the fact that the idea of religion, when we have it, is an idea taken from the developed consciousness, and that we cannot, consequently, expect to find it fully formed at a primitive stage of human development, but at most to discover its rude beginnings.

At this point we are thrown back again upon the answers which the three theories of religion described just now have ready for our question. But the criticism that we passed upon the theories will have prepared the reader for the statement that the answers offered are inadequate, at any rate to the present case. (1) The explanation proposed by the autonomous theory is too indefinite. While it makes religion an immediate knowledge of God, or a feeling of absolute dependence, it leaves the object of this knowledge or feeling entirely undefined. (2) The answer given by the ethical theory is too narrow. Even if we incline to see the principal value of religion in its ethical effect, or believe that religion is completely contained in morality, we cannot avoid the conclusion that, as things now are, *ethos* and *religion* are really

not identical in the human consciousness, and that religion is not to be regarded as a special ethical attitude. (3) Finally, the fault of the metaphysical theory, in both its forms, is that it confounds religious ideas with intellectual problems. The partisans of metaphysics look upon religion as a department of the general theory of the universe. Their opponents regard it as a tissue of superstitious ideas, intended for the explanation of all or sundry of the phenomena of nature,—death, perhaps, or dreaming,—or of mental processes as a whole.

If now, without further regard to any of these theories, we examine the developed consciousness from the standpoint of objective psychological observation, we find unmistakable evidence that the intimate connection of the religious elements with the other contents of consciousness, which we saw to be universal at the stage of myth, still continues, though in less overt form, long after that stage has been passed through. Quite apart from the more tangible influences of traditional ideas, we often find a distinct religious toning, especially in the æsthetic feelings aroused by a consummate artistic creation, and that too when the work of art has no direct association at all with ordinary religious ideas. It may, of course, be objected to this statement that everyone does not find it true in his own case: to that we have no answer to make. It may further be urged that the religious toning of the æsthetic feelings might possibly depend after all upon associations with particular religious ideas. I confess that I fail to see how a civilised man of the present day, gifted with æsthetic sensibility but ignorant of the mythology of art subjects, can have any familiar religious idea suggested to him by the Zeus of Otricoli, or still more by the Laokoon group. but I grant the objection for what it is worth. Even then, however, it remains true that the religious element may be connected with a complex conscious contents which in many respects is totally strange

to it ; and the question arises, what conditions a religiously indifferent impression must fulfil in order to gain the religious colouring. The same question can also be raised with regard to ideas that possess a specifically religious character from the first. For in their case, too, the religious element never makes up the entire contents ; however prominent it may be, it is only one constituent among many.

How then shall we define religion in a way that shall do justice to all its modes of manifestation, the less obvious and the more obvious alike ? In my opinion, the question can only be answered in one way. *all ideas and feelings are religious which refer to an ideal existence*, an existence that fully corresponds to the wishes and requirements of the human mind. Since experience can offer at most only distant approximations to this ideal, it remains an ideal, existing simply in the realm of ideas. It is a product of human feeling and imagination. Hence the fact that artistic creation, whose aim has always been to idealise sensible reality, is also peculiarly fitted for the expression and arousal of religious feelings.

That this definition of religion allows the freest play to development need scarcely be remarked. The human ideal changes as humanity itself changes. It will necessarily be crude and low where custom and æsthetic and intellectual culture are still bound in the chains of barbarism and superstition. But even at the highest levels of civilisation it is simply a more perfect picture of actual life, whose incompleteness it can never entirely transcend. Whether mankind ever lived without an idea of a more perfect existence, and whether they will be able to dispense with it at a more advanced stage of evolution than the present, are questions the answer to which will be affirmative or negative according as we do or do not admit the possibility of a fundamental change in human nature. Until some such

change has been demonstrated, the assertion that there are tribes destitute of religion has about as much weight as the tradition of speechless races, which has now and again gone the rounds of the older ethnology. If we refuse to read into religion the doctrines of any dogmatic system, and simply go back to the original source of religious feeling,—the endeavour after an existence that shall satisfy the wishes and requirements of the human mind,—we shall find, indeed, that the religious factor appears in an endless variety of forms, some of them very imperfect, but the hypothesis that it is ever wholly lacking will be as inconceivable as the hypothesis that there are men destitute of imagination and feeling. The mass of evidence for the existence of tribes that have no religion, collected especially by Sir John Lubbock, proves only that the observers on whose statements he relies partly meant very different things by the word 'religion,' but partly also were not markedly successful in their attempt to explore the unfamiliar world of savage ideas.<sup>1</sup>

Finally, the psychologically indisputable fact that the conception of an ideal world is not an object of experience, but a product of imagination and will, leaves it quite undecided whether and how far the realm of wishes and requirements possesses an *objective* reality, over and above the immense effect that it exercises in the human consciousness. Ludwig Feuerbach sums up his view of religion in the short formula 'the gods are realisations in thought of the wishes of man',<sup>2</sup> and we cannot deny that the sentence indicates fairly correctly one of the psychological

<sup>1</sup> JOHN LUBBOCK, *Prehistoric Times*, 5th ed., 1890, pp. 574 ff., etc. *The Origin of Civilisation*, 5th ed., 1889, pp. 205 ff. A large amount of evidence on the other side has been collected by GUSTAV ROSKOFF, *Das Religionswesen der frühesten Naturvölker*, pp. 36 ff.

<sup>2</sup> FEUERBACH, *Ges. Werke*, VIII p. 257; IX pp. 56 ff. Cf. FEUERBACH, *Essence of Christianity*, trans. by Marian Evans, pp. 32, 33.

sources of religious ideas. But when he goes on to assert that all human wishes originate in self-love, and that belief in their reality stamps them with the mark of fantastic illusions, we must decline to follow him. The statements spring from his particular metaphysical theory that the world of sense-perception is fully adequate to the needs of the human mind and heart. An observer who is uninfluenced by metaphysical prejudice can hardly doubt that there are certain desires which do not originate in self-love, and that the thought of the realisation of a desire need not necessarily be an illusion, even if the realisation lie beyond the boundaries of empirical certainty or probability. It would, however, be premature to discuss this point now, since it can be settled only when we come to examine the fundamental ethical problems. It will be sufficient for what follows to consider religious ideas simply with reference to their immediate value in consciousness. For our first business is to determine the relations that obtain as a matter of fact between these ideas and the moral life. And for their ascertainment it is after all a matter of indifference what real significance is attached to religious ideas: although the results of the present inquiry will undoubtedly be of weight for the decision of that question when it arises.

(c) *The Relation between the Religious and the Ethical Elements of the Myth.*

We have now, taking our definition of religion as starting-point, to try and separate out from the confused mass of mythological tradition all elements that can fairly be regarded as religious in character. First and most obviously, we may pick out those ideas in which ideal figures, superhuman and yet humanly conceived, are bodied forth as exemplars of man's endeavour. A second and equally important group of religious elements consists of the ideas of reward and

punishment, meted out by superhuman powers in accordance with human conduct, whether in this life or in some other known only to the imagination, and painted with all the charm of beauty and all the terrors of despair. In other words, the ideas of deity, of the gods, have a twofold significance for religion. On the one hand, the gods themselves are ideals and patterns for men to copy, on the other, they are the representatives of an ideal and supersensible world-order. The remaining constituents of the myth are not directly religious in nature. They are partly elements in the primitive explanation of nature, and partly the expression of feelings and desires directed upon the reality of sense, and not upon any imaginary or ideal existence. The myths of creation and the mythological personifications of stars, clouds, the thunderstorm and other natural phenomena, are not in themselves religious, although ordinarily interwoven with religious ideas. Hence the current use of the phrase 'natural religion' is illegitimate: it can rightly be employed only when we wish to emphasise the *connection* of religion with the myths that explain the course of natural events. And, in the second place, the ideas usually included under the terms *fetichism* and *spiritism* also lie outside the sphere of religion as we have defined it. The psychological centre of both forms of superstition is the belief in witchcraft; and this in turn originates in the desire to gain some advantage—health or wealth or fortune—for oneself, or to escape from some evil—sickness or pain or danger—or perhaps to inflict it on others. Here again, and more especially in *spiritism*, we find fragments of the primitive explanation of nature mingled with the other elements. But however closely the desires which give so strong, and often so terrible, an impulse to witchcraft may border upon the religious desires proper, even to the point of actual junction, we can no more term them religious than we can look upon the sense feelings

of pleasure and pain, and the impulses determined by them, as religious feelings and impulses

The marking off of those elements in the myth that are distinguished from the rest by their religious character gives us at once a general indication of the *connection between morality and religion*. The ideal world of the religious imagination is by no means necessarily an ethical ideal. Indeed, it almost always contains elements which, judged by the standards of the developed moral consciousness, would appear at least morally indifferent, if not actually immoral. To say nothing of the religious ideas of the surviving savage races, the conceptions of the gods held by the Greeks, Romans and ancient Germans undoubtedly contained many features and idealised many characteristics—cunning, violence, envy, drunkenness—which we should regard as being very far from moral. Besides which, one great group of religious ideas that do take their source from distinctively moral motives, the ideas of reward and punishment, have led by inner necessity to the creation of a special class of gods, whose duty is the avenging of evil-doing, and who thus acquire the significance of negative ideals, prototypes of all bad qualities. Nevertheless, however wide a separation of the religious and the moral ideals this may mean in the individual case, one thing is certain that as soon as ever the thought arises of ideal moral exemplars of human conduct or an ideal moral order of the universe, it inevitably finds expression within the circle of ideas that constitute the *religious* ideal. So that the farther back we trace moral ideas, the more closely are they connected (as will presently be shown) with the ideas of moral exemplars and a moral world-order presided over by the gods. The relation of morality to religion is, therefore, like that of religion to the myth. There can be no rigid delimitation of their spheres. The myth originally includes everything,

theories of nature, religion and morals, in an undifferentiated unity. The religious elements of the myth in their turn include the ethical, which become partially detached from them later on, when the time of myths is nearing its end. Then, and not till then, can morality be regulated by law and custom, independently of religious presuppositions.

The connection between religion and morals, then, is a connection of varying intimacy. Hence our investigation of it would be incomplete should we omit to consider the various stages in the development of the religious and moral consciousness. We shall, of course, do best to examine those forms of the myth in which the interaction of the two elements is plainest, and more especially those in which the gradual change of relation comes clearly to the front. In this respect the two extreme stages, the views of the world held by primitive races and the religions of modern civilisation, present the relatively most unfavourable conditions, though for opposite reasons. Savage ideas are often very difficult to ascertain with any degree of accuracy, while the tracing of their development is more difficult still. Dependent as they are upon oral tradition, with all its chances of loss and confusion, they are probably not seldom incoherent in themselves, while they must appear still more so to the outside observer, who has to guess at possible inner motives hidden under an exterior of conduct that often seems wholly incomprehensible. Hence it is almost inevitable that at this stage religious and moral ideas shall more nearly resemble a medley of superstitious beliefs accidentally thrown together than a consistent theory of the world and of life. And it is equally hazardous, though for quite different reasons, to draw very general conclusions from the religions of civilisation, which can be traced back to particular founders. The nature and extent of their connection with the original religious feeling

are both doubtful; and the objection can always be raised, in regard to the special question before us, that the union of religious and moral motives may be due to the personal attitude of the founder, and consequently cannot throw light upon the general nature of religion.

The case stands quite differently with the natural religion of civilised nations which has been preserved in a series of continuous literary traditions, and so lies open to us throughout the greater portion of its historical development and in its connection with custom and civilisation. The religious conceptions of the Hindoos, Greeks and Romans give a true reflection of their whole outlook upon life and therewith of their moral consciousness, whose changes often manifest themselves first of all in change of the religious sense. At the same time, these mythological systems make the general nature of the myth—I mean the intimate mixture of the religious elements with the other constituents of a theory of the natural universe—fully evident. And the intermixture gives rise to phenomena which, if the difference between myth and religion is not kept clearly before the mind, may easily suggest doubts in the future, as it has done in the past, as to the ethical significance of religious ideas.

*(d) The Immoral Elements in the Myth.*

It is a well-known fact that the gods and heroes of mythology are in many respects quite the reverse of moral ideals. This is the very essence of the original difference between the ideal of religion and the ideal of morality: man sees in the gods an exaggeration of all his own qualities, the bad included. They are not merely models of courage and justice and the other virtues upon which the common weal depends, but are equally great in cunning, deceit, violence and sensuality. It is, of course, inevitable

that these ideas exert an influence upon the act of worship. Under certain circumstances they may even transform the immanent moral motive into its direct opposite. Thus the Hindoo, for all his piety, approaches his god not only with prayer and praise, but oftentimes with an insolent demand for the reward due in return for sacrifice, and his demands are not for spiritual gifts alone, but mostly for material benefits, or sometimes for a prosperous issue to an evil undertaking. These phenomena are necessary consequences of the anthropomorphic conception of divine beings. They meet us in all forms of religious worship, from the fetishism of the negro to the sacrificial ceremonial of the Egyptians, Greeks, Romans and ancient Germans. And with the arrival of the epic poem, to take possession of mythological material, the bad side of anthropomorphism gains free scope. It would be unjust to do as the ancient philosophers did, however, and make the poets altogether responsible for what they wrote. They may have largely embellished the traditional legends, but the stories themselves were there, in the myths of the race. Nevertheless, the fact that in the poets' hands the world of the gods—the incidents in the lives of particular deities and their relations to one another—was a much closer copy of the world of men necessarily threw its moral blemishes into greater relief. Thus there is no question that the gods of the Homeric epics have as much to do with human crimes as with human virtues. This is true not only of Hephaestus and Aphrodite and all the number of lesser divinities. Zeus himself is the first to stoop to cunning and deceit, where it is a matter of attaining his oftentimes ignoble ends. In his pursuit of Io or Semele, and his other adventures with mortal women, he is simply the prototype of the voluptuous tyrant, hardly distinguished from the many human specimens of his kind except in having at his disposal supernatural

powers of transformation and superhuman strength. The episodes of his married life with Hera, and the intrigues and rivalries of the other gods, are far enough removed from what we should call an ideal moral world. These are the parts of popular mythology against which Xenophanes aimed the shafts of his polemic, and which from his time onwards drew upon themselves the constant attacks of philosophy. We must admit that the attacks were justified. The associating of immoral motives with the ideas of the gods came by degrees to exercise a bad effect upon the ethical side of religious conceptions. At the same time, the influence could be felt only in an age that was far removed from the naïve apprehension of the Greeks who first listened to the Homeric songs. That is the great difference between the naïve consciousness, into which doubt has not yet entered, and the standpoint of a later and more reflective age. The former, in its simplicity, puts together ideas derived from all sorts of motives, without noticing their contradiction, and therefore without letting any one constituent prejudice any other. The same Zeus, who is himself on occasion guilty of false swearing and revokes his most solemn promises, is none the less on that account the guardian of oaths and protector of contracts, who visits perjury and breach of faith with the punishment it deserves.

Two factors, an objective and a subjective, combine to make this peaceful union of ethical opposites possible. *Objectively* the same god is very different when he is conceived as the ruler of the powers of heaven, endowed by the imagination with might far transcending that possessed by earthly sovereigns, and when he is called to witness an oath or approached in prayer, as the moral governor, the protector of the right and avenger of the wrong in human intercourse, the personification of the inner voice of one's

own conscience. The Greek of Homer's time, as Leopold Schmidt has truly said, is after all simply making the same distinction here that is still made to-day by the Roman Catholic between the Pope as a man subject to error and sin and the Pope as infallible head of the church.<sup>1</sup> One and the same mythological idea may thus lead in diametrically opposite directions, according to differences in its objective significance. On the other hand, the absorbing nature of the religious sentiment brings about the *subjective* result that the religious significance made prominent by the purpose of the moment drives every other meaning out of consciousness. The invoker of the name of Zeus, at a solemn oath-taking, thinks of him only as the god of oaths; the suppliant who is preferring his requests has in mind only the guardian of the moral order of the universe. The stronger the religious feeling, the more does it narrow the range of conscious ideas, banishing altogether those that might disturb the present trend of thought and emotion. It is for this reason that the idea of a multiplicity of gods has nothing of the disturbing influence upon the original naive consciousness that it has upon the reflection of a later time. Worship and prayer, if they are really the expression of an inner need, bring with them in every individual case that limitation of ideas which is so necessary to religious exaltation. But we have evidently no right to interpret these natural psychological effects as evidence of an original monotheism, as some have done, or to read out of them a peculiar 'henotheism' as constituting the first stage of all religions.<sup>2</sup>

This way of looking at the gods under two different aspects, which brings with it the peaceable association of

<sup>1</sup> L. SCHMIDT, *Die Ethik der alten Griechen*, 1. p. 48.

<sup>2</sup> MAX MÜLLER, *Lectures on the Origin and Development of Religion*, 1879, pp. 250 ff.

logically incompatible ideas,—simply because when one aspect is thought of the other is non-existent for consciousness,—has no bad effect upon religious and ethical feeling so long as mythological thinking retains its original naïveté. But it must inevitably lead to the destruction of religion and morality as soon as criticism has laid hold upon mythological ideas and brought out their inherent contradictions. At each stage of the destructive process, however, mythological thinking has recourse to various expedients, whereby it attempts to adapt itself to the higher level of conscious development at which the naïve juxtaposition of ideas is no longer satisfactory.

(1) There is one obvious expedient of this sort which lies outside of the myth itself, but is directly forced upon its defenders by hostile criticism. I mean the renunciation of all elements that are felt to be disturbing, on the ground that they are external accretions or arbitrary embellishments of the original legend. Every civilised religion has in the course of its development to pass through this stage of eclecticism: Christianity is now in the midst of it. With the Greeks the process of selection ran more easily than it can with us, because their religious views had not been handed down in a specially sacred form. Hence it was not difficult for them to hold the poets responsible for all the mythological material that the more mature consciousness was unable to accept, and everyone was free, within certain limits, to believe only so much of the traditional store as answered his own needs. This was plainly the state of things during the Attic period.

(2) But mythological thinking itself possesses a far more effective instrument by which to produce the same result, in the creation of new gods, free from the defects of those of the older myths. This procedure makes it possible for consciousness, even at a comparatively high stage of moral

development, to clothe its religious ideas in forms that still appeal strongly to the imagination, whereas philosophical criticism, which would leave nothing standing that is not proof against its attacks, soon falls into the danger of fining down the religious idea to a bare concept. Modern theology cannot resort to any such expedient. But in Greece and Rome we have in the first place the assimilation of oriental cults, that could be pressed into the service of good or bad tendencies with equal facility, and later on the very frequent personification of abstract ideas. Secondary deities of this latter kind are Tyche, Dike, Nemesis, Socrates' Daimonion, Fortuna, the Fates, etc. Tyche, primarily the handmaid of Zeus, gradually came to be a kind of rival goddess, who acquired more and more of the power to control destiny, the more the original gods lost in ethical appreciation through the play of the poetic imagination.<sup>1</sup> Tyche and the rest were evidently preserved from a fate similar to that which befell the gods of the old myths by the persistence in consciousness of the abstract significance of their names. Tyche and Fortuna, and still more Honos and Virtus, and other objects of later worship, lead the mind so directly to the thought of fate and fortune, honour and virtue, that personification of the abstract ideas is the first and last change which the mythologising imagination can make in them.

In the mythological ideas of this advanced type we find also a more complete separation of the spheres in which the religious contents of the myth finds its application. We saw just now that there are two constituents of the religious ideal: one, in which the gods are regarded as ideal exemplars of human conduct, and another, in which they are looked upon as the representatives of an ideal world-order. Many

<sup>1</sup> Cf. PRELLER, *Griech. Mythologie*, 3 Aufl., 1 pp. 441 ff. SCHMIDT, *Ethik der Griechen*, 1 pp. 53 ff. For the Roman gods of destiny and their like, cf. PRELLER, *Rom. Mythologie*, 3 Aufl., 11 pp. 178 ff.

of the figures in the later myth suggest this second ideal exclusively ; the personifications of the ideas of fate, virtue and justice, *e.g.*, cannot possibly contain any other reference. As the conception of an ideal world-order becomes prominent, the other point of view either disappears altogether, or the gods are transformed into demigods, half human and half divine, and at last, perhaps, reduced to merely human personalities, living on in memory in an idealised form. In the beginnings of religious development, however, the idea that the gods are ideal exemplars for mankind to copy is of the greatest ethical importance, indeed, it is only through this idea that the other view—the view that the gods visit human conduct with reward and punishment—receives its moral impress. But the interaction of the two factors is so closely bound up with the conditions under which mythological thinking originates that, before we inquire more closely into their operation, we must undertake a brief preliminary discussion of the psychological development of the myth.

*(e) The Psychological Development of the Myth.*

The thesis that all mythological thinking springs from a single source appears to many mythologists to be so obviously true that they do not even take the trouble to give its psychological explanation. They take it for granted from the outset that primitive man had only one motive for the construction of his theory of the universe

The prevailing view among students of the myths of classical antiquity is that this ultimate motive was a desire to interpret the phenomena of nature. At the earliest stage of his development, they say, man seems to be entirely dominated by his interest in natural events, though his attempted explanations necessarily take on an imaginative or poetic form. Modern anthropologists, relying on observa-

tions of savage races, have reached a different conclusion. They make the belief in spirits and demons the beginning of all mythology; and most of them are further of the opinion that this belief originated partly under the impression made by death, partly in the phenomena of dreams, and consequently is everywhere found together with the worship of departed spirits and of ancestors. The nature-myth, from which the mythologists of the classical school derive myth in general, will then come at the end of the whole development; it is supposed to arise in some artificial manner out of the worship of ancestors, possibly by way of a belief in the transference of the souls of the dead to natural objects.

Each of these theories dates the craving for unity, that characterises the human reason in the later periods of its development, from the very first beginnings of human thought. The error often goes along with a kind of psychological explanation that is strongly suggestive of the essays of that ancient interpreter of myths, Euhemerus. Modern euhemerism does not regard Zeus as a former king of Crete and Aeolus as a sailor of considerable experience in predicting the weather; but it is following directly in the footsteps of its prototype when it speaks of the absurdity of supposing that the human mind could ever have seriously believed in so fantastic an interpretation of the real world as is given by the myth.<sup>1</sup> The euhemerists of classical mythology, arguing from this premise, find the source of all their nature-myths in linguistic metaphors, the picture having gradually come to be taken for the real thing. At first, they say, the rays of light that are visible before the sun's rising may have been termed by some poet the horses of the sun, or

<sup>1</sup> Cf. with this the remarks of MAX MÜLLER (*Essays*, II pp. 10 ff.) and HERBERT SPENCER (*Sociology*, I p. 127), whose agreement is all the more significant since in other respects they represent diametrically opposite positions.

if the emphasis was on their fatal effect, the arrows of the sun; and out of these ideas the myth has made up the story of a god armed with bow and arrow, driving in a chariot drawn by harnessed steeds<sup>1</sup> The anthropologists naturally take a less favourable view of the primitive condition of humanity. They adopt not the poetic metaphor, but the universal belief in ghosts and witchcraft, as the most probable starting-point of mythological ideas. But their explanation is equally euhemeristic. Nor should the fact be surprising, when we remember that the projection of the views of one's own time and environment into the phenomena of the past is always the easiest and most obvious way to interpret them. Besides which, it is impossible to deny that mythological embellishments do really make their appearance, here and there, as a result of linguistic analogies and popular etymologies, and that the belief in spirits and witchcraft, the last trace in modern thinking of what were once elaborate myths, does everywhere extend back to the very beginnings of mythological development. Unfortunately, however, the reasoning that passes for induction even with modern students of the myth regards this as satisfactory evidence on which to found an universal theory, before which the facts must bow down whether they will or no.

Now it is noteworthy that both these forms of euhemerism—following the example of Euhemerus himself—save the good sense of the primitive myth-makers only at the expense of their descendants. A later generation is made responsible for the 'fantastic insanity' of mythological thinking. 'The ancestors of Homer,' says Max Muller, 'cannot have been such idiots as really to take the sun's rays for horses or arrows'; and yet he is obliged to credit Homer and Hesiod themselves with these ideas, since the

<sup>1</sup> KUHN, *Ueber Entwicklungstufen der Mythenbildung*, Abhandl. der Berliner Akademie, 1873, p. 123. MAX MÜLLER, *op. cit.*, pp. 66 ff.

relation in which they set the Olympian world to the phenomena of nature is most assuredly no mere poetic embellishment 'Must we suppose,' asks Herbert Spencer, 'that primitive man was less intelligent than the mammals, the birds, the reptiles and the insects, as these animals assuredly know how to discriminate, as a rule, between the living and non-living?' And yet he too must admit that this descent below the level of the animal took place at some time or other, since at some time or other the nature-myth did, as a matter of fact, make its appearance. Whether the idea that the soul of an ancestor has chosen the sun for his abode, or the idea that the sun is the visible embodiment of a superhuman god is intellectually the higher conception, need not be discussed. But there can be no doubt that the second is the more imaginative of the two. If (1) the animals do not take the stars and rivers and mountains for living beings, that is simply because they do not reflect on these things at all. And the fact that the intelligent house-dog will occasionally bark at the moon or a rock, or a bubbling spring, seems, strangely enough, to have escaped the notice of the rationalistic philosopher. Unless perhaps the dog too finds the soul of an ancestor in these natural phenomena? Surely it is a far more probable hypothesis that their movement or unusual form appeals to him as the manifestation of some dreadful living being. With (2) the child the case is different. That in childhood the play of the imagination should for the most part be occupied with objects of the immediate environment and not with the great and terrible phenomena of nature, and that the imaginative ascription of life to inanimate objects is for the most part nothing more than play, are facts intelligible enough when we remember the different conditions under which the civilised child and the primitive man are placed. The two have certain qualities in common;

but the child is not a savage, and does not live under the same external influences as the savage. Just as the child can make at best only a few sporadic attempts at the creation of a language, which the savage perfects, so that fantastic interpretation of the real world from which the myth of the savage originates will show itself in the child only in the exercise of imagination upon the objects about him

We need hardly spend time in proving that all these attempts to trace mythological phenomena to a single source come into contradiction with experience, which refuses to be bound by the requirements of a system. But it is worth noticing that the euhemeristic explanations of the development of myth are guilty of a complete reversal of what is at least the normal course of events. It is *not* the normal procedure that a poetic picture should be gradually transformed into a real belief, on the contrary, what is at first believed in as reality lives its later life as metaphor, the metaphor in turn passing out of consciousness when the transferred meaning of the word has gained a final victory over its original significance. And similarly with the other hypothesis. The belief in ghosts and witchcraft, so widely current among modern civilised peoples, contains the last remnants of a host of mythological ideas that once lived and flourished, and has kept many a feature of the old nature-myth, whose meaning we have forgotten; but the reverse development from ghost to myth exists only in the form of an artificial construction. The idea of 'fetichism,' arbitrarily defined and applied, plays the most considerable part in this anthropological theory.<sup>1</sup> Now, of course, to say that the Olympian Zeus, the wielder of thunderbolts, is a combination of mountain fetich and sky fetich, successfully bridges the chasm between the negro's

<sup>1</sup> For instances of this usage, cf. J. LIPPERR, *Die Religionen der europäischen Culturvölker*, pp. 124, 325 ff. II. SPENCER, *Sociology*, 1 pp. 309 ff.

belief in witchcraft and the Greek's idea of deity—by a word ; but the difference between the two planes of thought remains after as before, and the hypothesis of their similar origin is as uncertain as ever

Any one-sided theory of historical phenomena may be expected *a priori* to prove inadequate to the complexity of real life, and more especially when the phenomena under consideration are the primitive explanations of the world and of life. Consistency of standpoint on these matters is a late product of scientific reflection. Primitive man no more takes up a consistent attitude towards things than he is dominated in feeling and conduct by a single motive. The mythology of a people is not originally unitary ; it is only gradually that the countless scattered and disconnected myths grow together into a kind of system,—largely under the influence of poetry, whose connected treatment of a legend has in it something akin to the philosophical impulse towards unification. In the same way, the motives of mythological thinking are not simple, but as complex as human nature itself. It is undoubtedly quite unpsychological to suppose that man came into the world endowed with a craving for the explanation of nature, to say nothing of the theory that this was his one and only need , but it is quite as unpsychological to imagine that he did not at first connect any idea at all with the terrors of thunder and lightning and the course of clouds and stars, or that he regarded all these phenomena with the same dispassionate calm with which the civilised man of to-day enters upon their study,—his hours of meditation filled simply with thoughts of the souls of the dead and their present fate.

In a certain sense, however, it is true that myth-making takes its origin from a single psychological source. It arises from a *personifying apperception*, the essential characteristic of which is the objectification of one's own consciousness. Where primitive man perceives a movement, he sees a *will*,

whether residing in the moving object or lying behind it as a distinct being. This idea is easily carried over from things that move to things that do not, especially when they meet him under conditions that attract his attention and arouse the emotion of hope or fear. But in the application of the personifying process to the various objects of his environment are contained from the very first the germs of the most diverse forms of mythological thought. Their development may, of course, follow all sorts of paths, what is a mere fragment of belief in one case may very soon become the dominant conception in another; but a mental connection is none the less present. At the same time, it is not given in the hypothesis of a single *external* starting-point, or again in the theory that the various stages follow each other in uniform succession,—whether in the order of fetichism, shamanism, polytheism, as we are now so often told, or in any other that may be proposed in place of it. All such views are incorrect. The homogeneity of the psychological motives in mythological thinking finds its true expression in the fact that all possible forms of the personifying apperception are nearly always to be observed side by side, distinguished only by degree of completeness or manner of interconnection. There is not a sign of uniformity of development, even in the process whereby the balance of individual elements in the whole is gradually changed: it differs widely among different peoples, varying with the conditions of physical environment and civilisation, and with mental endowment. When we remember the difference between the mythologies of races otherwise so closely related as the Indians and Persians, or the Greeks and Romans,—a difference not in secondary matters and points of detail, but of general character, so well marked as to seem almost to outweigh the resemblance,—we can hardly doubt that the differentiation of mythological ideas in related races is far greater than that of language, while,

on the other hand, certain fundamental resemblances that obtain between all races, savage and civilised alike, are much more striking in the domain of myth

For the question which we are now considering, this union of differentiation and homogeneity is of the highest importance. It means, among other things, that those elements of the myth to which we have attributed a religious and moral character can connect in the most various ways with its remaining constituents, so that certain ideas may possess at an earlier stage of development an ethical value which they lose later on, and, conversely, certain other ideas may come to acquire an ethical value which originally did not belong to them. This is especially true of the ideas in which the myth-making imagination seeks to embody *ideal prototypes of human excellence*.

## 2 THE GODS AS MORAL IDEALS.

### (a) *The Worship of Ancestors.*

Reverence for ancestors is a trait seldom lacking in the mind of primitive man, and one that easily fits in with the general tendency of mankind at large to idealise the memory of a past that they will never see again. The faults and weaknesses of the dead are forgotten, and his virtues exaggerated, the rule *de mortuis nil nisi bonum* holds at all stages of human development. In primitive races, however, this reverence acquires the very considerable influence that it has upon feeling and conduct through the ideas that centre round the belief in a continuance of life after death. The soul is usually conceived of as a shadow or ethereal copy of the body, which leaves its original habitation with the last breath, but lingers for a longer or shorter time on the scene of its earthly interests. Or if it leaves this earth for some special kingdom of the dead, it still retains connection with

the living, and shares their joys and sorrows so long as the dead man lives in the memory of his former associates. Dream and vision, which to the savage are as real as any other form of experience, help to renew the intercourse whenever its cessation is threatened.

The mysterious appearance and disappearance of these visionary figures, and the horror aroused by the sight of death, serve to connect the ideas of a future life with a group of ideas of a different order. Mystery is interpreted as magic. Good and bad fortune are then explained as the work of a horde of encompassing demons, among whom the soul of the dead naturally takes its place,—naturally, because it is natural to suppose that the departed spirit shares the fate of those left behind. It may assist the living by counsel, by suggesting happy thoughts; or it may, like other beneficent or malignant demons, take a direct and active part in shaping a life. Accordingly, we find departed spirits not infrequently divided into the two classes of good and bad demons: the brave and glorious dead live on to further the aims of humanity, the profligate and criminal to thwart them.<sup>1</sup>

Now it may be that the ethical impulse which is undoubtedly seeking expression in the idealisation of ancestors is checked, and at times wholly suppressed, by its intermixture with the belief in spirits and witchcraft. Still, we must not forget that motives which appeal to hope and fear are better adapted than any others to exert a lasting influence upon conduct. Although the reverence for ancestors ceases to be entirely disinterested when they are summoned or dreaded as protecting or avenging spirits, it does not follow that the moral effect of the personal characteristics with

<sup>1</sup> For instances, cf. WAITZ, *Anthropologie der Naturvölker*, II pp. 194 ff.; III pp. 196 ff. and *passim* TYLOR, *Primitive Culture*, II. pp. 111 ff. BASTIAN, *Beiträge zur vergleichenden Psychologie*, pp. 72 ff.

which memory endows them must therefore necessarily disappear. And as a matter of fact there is plenty of evidence to prove its persistence in two principal directions.

(1) In the first place, it is the *personal example* that rouses to emulation. The tendency of memory to idealise the qualities of the dead is itself partly ethical in character; and the idea of the great ancestor which emanates from it has the same moral influence as the living reality which it is supposed to represent. A dead man is a better moral exemplar than a living man can be, because the imagination has free scope, or at least as free scope as the conditions of real life allow, to adorn him with all the virtues. For man, of course, there is no such thing as an absolute perfection; he can simply embody in his present ideal a more than common measure of the qualities which he regards as admirable, while he eliminates all that seem odious. But however defective the ideal may be, the influence which it exercises gives opportunity for its improvement, and so assures the possibility of unlimited development.

(2) There is, however, another way in which the glamour of idealisation that a reverential memory sheds round bygone generations is reflected upon the present time. Old age, the evening of life, commands before death something of the reverence that will be accorded afterward. The worship of the dead, which had its source in the natural feeling of filial piety, now serves to reinforce and intensify this feeling by tinging it with a religious cast, and so—in the respect paid to living parents, to old age, and to the tribesman whom rank or nobility of character has raised above his comrades—awakens emotions that are near akin to those of religious obligation. The egoism that estimates a fellow-man simply by the usefulness of the work which he performs can see in the helplessness of age nothing but a burden, a load to be thrown off as soon as ever the stern necessity of existence

requires. Perhaps the most striking contradictions that the life of primitive man affords are to be found in the cases where this egoism comes into collision with the feeling of filial piety, utter barbarity alternating with instances of touching self-sacrifice. But the fact that filial piety *can* overcome so powerful a rival, and that, save at the very lowest stage of barbarism, it *has* obtained the supremacy, is one of the strongest proofs of the ethical power of the feelings which bind man to his fellow-men. And we may reasonably doubt whether they could have acquired that power without the religious colouring that they receive from ancestor worship. Even if the religious motives are themselves not wholly purged of egoistic elements, that would only show what is shown by so much other evidence, that originally selfish motives of varying tendency must come into conflict to make outwardly unselfish conduct possible, until such time as unselfishness can stand alone in virtue of feelings of value attaching to it in its own right.

That reverence should be paid more especially to the souls of those whose rank or virtues made them preeminent in life is natural enough, psychologically, while it is essential to the ideal significance of ancestor worship. But virtue and rank, unless their union is flatly negatived by experience, are apt to be closely associated in the thoughts of contemporaries, and still more in the mind of future generations. Hence we find further that among all primitive peoples something of the religious veneration which will be paid the soul after death attaches to the chief or prince during his lifetime, joined with a very natural fear of his power and authority. It not seldom happens, too, that custom withholds the chief from the sight of his subjects, at least on everyday occasions, almost as completely as death itself can cut him off from them. Whether instinctively or of set purpose, advantage is here taken of that tendency to idealise the unknown

from which ancestor worship derives a great part of its power over the minds of men. Reverence for the ruler is, however, not merely shown in an attitude of submission, whose outward expression constitutes a direct proof of its religious origin in prayer and self-abasement in the presence of deity, but sometimes actually passes over into conscious religious worship. That the relation of man to man is really transformed at a stroke into the relation of man to God, by the emotion accompanying these manifestations of extreme humility, is clearly proved by the instances of the deification of emperors occurring at a much more advanced stage of civilisation. Apart from certain aberrations of this kind, it cannot be denied that the religious colouring thus given in the first stages of human development to the relation between ruler and subject not only contributed to the establishment of a moral order in society, but also helped to call forth all those impulses which manifest themselves in unselfish devotion to the good of others and to some general end. The feeling of duty and the love of country, in the form which they take in the civilised mind, are unknown to primitive man, whose social feelings are entirely restricted to personal likes and dislikes. The more general social and humanitarian impulses emerge very gradually out of filial piety, submission to authority, and admiration of talent; and even so there is a constant tendency in the individual case to throw them into a personal form.

It is plain from this discussion that the religious views of primitive peoples can give us nothing more than suggestions of the influence which ancestor worship exercises on the moral consciousness. Positive evidence is furnished, however, by those civilised nations in whose religion and morals the veneration of ancestors plays a permanent and leading part. China is a salient instance. We are told on the authority of its founder that the religion of Confucius

merely brought together the ideas originally current among the people, though we may add that it undoubtedly ennobled them when it made the veneration of ancestors, and especially of rulers preeminent for wisdom and virtue, the central—indeed, almost the exclusive—feature of religious worship. The family life of the Chinese, with all its ties of duty and affection, the patriarchal regulation of state and society, and the reverence for traditional custom, reflect a conception of religion, somewhat colourless, it is true, but still exerting a great moral influence by its emphatic reference to high exemplars of virtuous living. A crushing despotism and a too scrupulous adherence to traditional usage, that fetters all freedom of individual thought, make up the dark side of the picture.

Among the western civilisations, that of Rome, despite many disturbing outside influences, retained throughout its history the elements of an original ancestor worship. There can be no question that the Roman *genii*, *lares*, *penates* and *manes* are simply the souls of the dead, regarded under various aspects according to the different relations in which they stand to the living; although in many cases the original meaning has become subordinated to the secondary idea of protecting spirits<sup>1</sup>. The old Roman pride of race, with its mixture of light and shadow, the adherence to hereditary custom, the reverence for family ties that persisted until gradually undermined by Greek example, the dignity of woman, the often excessive regard for paternal authority, and the influence of family ties on state and society, are all of them phenomena which declare that ancestor worship was the religious basis of Roman civilisation. The memory of ancestors had all the more strength and persistence as an ethical motive in the Roman mind because a real hero worship never formed part of the religion of the people.

<sup>1</sup> PRELLER, *Römische Mythologie*, 3 Aufl., 1. pp. 75 ff.

Its place was partly filled in later times by the artificial epic and by legends borrowed from the Greek; but neither of these ever penetrated very deeply into the national consciousness. Hence there is in all probability no people that has been so strongly swayed by memory of the names and deeds of past leaders. This reverence for the past actors on the stage of history, who renew their life in idealised form in the memory of later generations, thus appears as a natural heritage from the ancestor worship of a prehistoric age, while that worship itself long continues in its original simplicity side by side with its newer phase. The heroes of history and of myth have, therefore, not only different origins, but different religious affiliations also. The historical hero is drawn from actual history, mythically embellished, and his cult is always associated with reverence for ancestors, retaining all its fundamental motives, though changed by civilisation and the course of historical events. Mythical hero worship, on the other hand, originates in the nature-myth, and though it may be later interwoven with the history of the sagas, nevertheless keeps the essential features of the nature-myth intact: the ethical impulse to idealisation following the same course as when it first began to find expression in the anthropomorphic creations of the nature-myth.

### ⑤ *The Anthropomorphic Nature-Myth.*

Nature-mythology does not include all the variations of mythological thinking in which natural objects appear as the vehicles of mythical ideas, but only those in which the conception of nature itself has determined the formation of the myth. Hence fetishism, *e.g.*, does not form a part of nature-mythology. The original motive in fetish worship is always the thought of fate or destiny, and the attribution of spiritual or demonic powers to external objects a pheno-

menon of later growth, in which the physical nature of the wonder-working object is of merely secondary importance. The same thing is true of the worship of animals, a cult connected on the one side with ancestor worship and the belief in transmigration of souls, and on the other with fetichism. Although in this case the character of the animal does play a very considerable part, the central motive of the whole mode of thinking, like that of fetichism, lies elsewhere, in the ideas of future destiny and especially of the life after death. The nature-myth proper, on the other hand, always has for its objects the great phenomena of nature that are either wholly inaccessible to human hands or at least never comprehensible in their entirety by the perceptions of sense: the sky, the stars, the clouds, thunder and lightning, the rain, the earth, the sea, rivers, mountains, etc. The chief factor in the formation of such a myth is the personifying apperception. The change and motion of natural phenomena serve effectively to reinforce the idea that the objects are endowed with life and mind, while their magnitude and power arouse astonishment and fear. Hence the nature-myth is not only the forerunner of the later conceptions of natural philosophy; it combines the attempt at a primitive theory of the natural universe with ethical and religious motives which originate in the emotions of fear and astonishment. The result is that at a very early stage of development reflections on man's future destiny in life and death are interwoven with the mythological conception of nature.

In the oldest form of the nature-myth natural objects themselves are usually represented as beings of supernatural power: the lightning is a writhing serpent, the sun a radiant deity, the morning and evening clouds are red cows, the thunder-clouds giants assaulting the heavens, and so on. We can readily understand that at this stage the significance of the moral ideal should be entirely obscured.

by the direct interpretation of nature. The primitive nature-gods can doubtless be brought into relation with the idea of some sort of moral order of the universe; but they are themselves too unlike man to be able to gain a personal influence over him through the qualities with which the myth-making imagination endows them. This probably explains why it is that, although the elements of a nature-myth are nearly always discoverable among primitive peoples, and we occasionally meet with quite complex cosmogonies, the nature-gods never attain the rank of moral ideals. On the contrary, the terrifying features which they derive from the effects of various natural occurrences are often so predominant in their character as to make them seem terrible and nothing more. This is, however, a common tendency of the nature-myth even among civilised peoples, especially under certain conditions of natural environment. Evidence of it is furnished, *e.g.*, by the religious ideas of the ancient Semites, and more particularly by the Syrian and Phœnician ritual, where motives of terror and fear take their place side by side with shrewd calculation. All these religions show further that, under such circumstances, man's natural and instinctive effort to shape in thought an ideal exemplar of what he considers virtuous and desirable seeks compensation in the worship of ancestors. And so we are able to understand the remarkable contrast of gloomy fear and loving service that runs through the religious conceptions and natural traditions of the Semitic peoples after these different elements have become commingled.

By slow degrees, the union of the nature-god with the natural phenomenon which is originally considered as his outward embodiment comes to be dissolved. The god is then conceived of as the mover and director of the phenomenon, invisible save to the eye of the imagination. At this point the reasons which led to the ascription of

animal forms, often grotesque, to various divinities cease to have weight; the gods become entirely anthropomorphic, with nothing but the persistence of particular attributes to remind us of their original character. The motives of astonishment and fear aroused from the very first by the sublimity of natural phenomena acquire a new function, and impel the myth-making imagination to endow the gods with a more than human measure of all those qualities which it discovers in the corresponding forms of human activity. This imaginative construction is no longer checked and limited by the theory of nature, and the separation of the god from the natural phenomenon makes it possible to give him attributes which his original significance in nature did not require. In time, the nature-attributes are altogether forgotten, and as they disappear the world of the gods is more and more completely transformed into an imaginatively-coloured copy of the world of men. Although the copy reflects the faults and weaknesses of man, oftentimes in exaggerated form, yet it is not less true that the gods, as exalted exemplars of every sort of ability that is valued among men, now obtain a greater significance, and a significance which continues to increase the more their world is felt to resemble the world of mortals. It no longer seems to man impossible to make himself like God, indeed, there are cases where the attempt is actually required of him. Thus in Rome it was demanded of the flamen Dialis that his own life should furnish an example of that ideal purity and holiness which was thought to be embodied in the god whom he served.<sup>1</sup>

But along with the ethical significance which humanisation gives them, the gods of the nature-myth retain enough of their original character to keep through all their later transformations the same emotional colouring that attaches

<sup>1</sup> PRELLER, *Römische Mythologie*, 1. p 201.

to the phenomena of nature; only that, in virtue of the general interrelation of the feelings to which æsthetic effects owe their power over the mind, the emotion is transferred from the realm of sense to the realm of morals. There can be no question, however, that this transference was not originally conscious. It is rather by a constraining law of primitive thought that the bright god of the sky becomes the prototype of moral purity, and the thunder-cloud an evil-plotting demon. And the natural tendency of the mind not to embody its ideals, whether good or bad, in a single idea, but to distribute them over a large number, as the shifting currents of feeling may suggest, finds support in the multiplicity of natural phenomena that can serve as sensible basis for a special ethical idea. On the other hand, the tendency to distribution is to some extent checked by the human personality of the transformed nature-gods. It is quite right that one virtue should be more conspicuous than others in a given character; but an ideal personality must possess the other praiseworthy qualities as well. Hence the distribution of attributes among the humanised nature-gods is in the last resort the result of a kind of compromise between the tendency to separation, which is favoured by natural conditions and ethical needs, and the tendency to combine all the good qualities, which is favoured by the unity of personality. Thus the figure of Zeus stands forth in the Greek Pantheon as the prototype of all the virtues that a ruler should possess, and especially of justice, though he combines with these not only the supreme degree of physical strength, the natural accompaniment of a majestic and powerful personality, but an equal greatness and terribleness of passion. Hera again, while she is disfigured by qualities derived from a primitive nature-significance, and from the transference of mortal weaknesses to divinity that came with humanisation—qualities which rise into special

prominence in her many disputes with Zeus—always remains the moral ideal of noble womanhood. In Athene are embodied a clearness of thought and discretion, united with vigorous action and strength of will, which make her the most powerful ally that man can have in war and peace alike. But as a shining example of every virtue that the Greek mind found worth the striving for, Apollo ranks high above all the other Hellenic gods; though just because his ethical significance is so wide and so varied, we can hardly point to a single trait in his personality which expresses any one virtue more clearly than any other. This serves, however, only to bring out more strongly the general religious and ethical significance of the cult which he represents, and of the influence which his worship exercised on the Pythagoreans, and through them on the whole of later philosophy.

It would be interesting, though it is foreign to our present purpose, to follow out the differences in myths which exemplify the differences of fundamental moral character in nearly related peoples. We might compare, *e.g.*, the mythology of the Hindoos with that of the Greeks: the one sublimely conceived, but with evident predilection for the gloomy and terrible, the other reflecting a more many-sided view of life, but tending as evidently to ignore its darker sides. Or we might note how different, in spite of their common origin from the nature-myth, are the Roman Jupiter and the Hellenic Zeus. Every nation, as Xenophanes, that old-time enemy of myth, has said, endows its gods with its own faults and virtues. But when man has transferred something that he finds praiseworthy among his fellow-men to his gods, he sees in them not the men that they really are, but men as he wishes that they might be. And so the copy that began as the work of his own hands becomes a model, in emulating which he strives after perfection.

But human faults and weaknesses, as well as human

virtues, are attributed to the humanised nature-gods. There is no part of his inner life that man does not strive to externalise (p. 76); and the conditions for the objectification of evil are given in the sense feelings attaching to the original nature-myth. The alternation of day and night and of winter and summer, the darkening of the heavens by thunder-clouds, the destroying power of fire, the scorching heat of the tropical sun, and a host of similar motives, are always present to bring support from without to the ethical need for an objective embodiment of gloomy moods and of the emotions that centre round evil and immorality. We have a typical example in the ideas suggested by the struggle of light with darkness,—ideas which attained their greatest development in the mythology of the ancient Iranians.

At first sight it might seem prejudicial to the ethical character of religious conceptions that they should contain not only a positive ideal of virtue, but also a negative ideal of vice. In reality, however, this development of opposites is an exceedingly strong proof of the value set upon morality. The value of the good is enhanced by the struggle of the conflicting forces. The ideal of virtue, like every emotional product, grows greater and richer by contrast with its opposite. It was for this reason that Christianity took up into itself the dualism of the Iranian religion. Here, however, it is intimately bound up, as it was in its origin, with the ideas of reward and punishment, which we shall consider later. Through their influence the conception of an ethical ideal is partially supplanted by another that is also foreshadowed in the nature-myth: the conception of a moral order of the universe.

(c) *Hero Worship.*

By slow degrees, the union of the nature-gods with the natural phenomena, which are originally considered as their

outward embodiment, comes to be dissolved, so that they are brought into closer connection with the different aspects of human life and human intercourse. They share in human interests; they fight side by side with the soldier in battle; they become the protecting deities of towns and districts, offices and occupations, and they succumb to the charms of mortal women, and so give rise to a race of demigods, from whom the men eminent by birth or power of place in later ages are proud to trace their descent. And this means that the nature-myth has become transformed into the *hero-legends*. Myth and history are now indistinguishably commingled: the nature-myth receives an historical interpretation, while at the same time real historical events are endowed with all the features of the original nature-myth, or poetically embellished by the free play of the myth-making imagination. In this way the peculiar province of the nature-myth, nature itself, is gradually withdrawn from mythological thinking. The theory of nature becomes a subject for scientific reflection, the myth turns to the mystery that man will never unravel, the problem of his future and of the vicissitudes of fate, or pictures the beginnings of race and history that have long vanished from his memory. The nature-gods thus acquire, in the last resort, some the character of gods of destiny, and some that of national heroes and founders of cities. In either case the belief in demons and the worship of ancestors, which never entirely disappear, must help to mediate the change of view. Nevertheless, it is a curious fact that in Greece and Rome there is no direct connection of the worship of heroes with the cult of the dead until a much later period, when the origin of this mythological evolution had been entirely forgotten, and oriental conceptions of religion had attained a very considerable influence upon western thought.<sup>1</sup>

<sup>1</sup> Cf PRELLER, *Græsch. Mythologie*, II p. 7, *Röm. Mythologie*, II pp. 425 ff

The historical interpretation of myths and the comingling of mythical elements with real history are of the greatest significance for their preservation in the popular consciousness. The belief in heroes long outlives the belief in actual gods. Zeus and Apollo, Hera and Athene, were accorded a very doubtful veneration at a time when the acts of Theseus, of the Pelopidae, and of Odysseus still passed unquestioned as historical truth. The reduction of the superhuman to the human level, the frank derivation of the action of the legend from human motives, on the one hand, and the intermixture of myth with the events and personages of real history, on the other, give the hero legend an air of genuineness which enables it to offer a stronger resistance to the destructive influences of philosophical criticism and of the general change of attitude that comes with intellectual development. The liberal infusion of historical scenes and persons into a mythical material whose elements are as a rule clearly traceable to the old nature-myth (a very characteristic feature, *e.g.*, of the German hero legends) expresses the impulse of the myth-making consciousness toward a more vivid and concrete representation of its objects. Henceforward it is always busied, though with no knowledge of the fact, in adapting mythical material to the changing needs of the general mind. There are two different ways in which a myth may be transformed into accredited history. Either (1) the contents of some myth derived from the theory of nature is made more intelligible by the introduction of historical connections; or (2) a veritable historical event is mythically embellished and changed. It is again the first kind of transformation that is the original; but the second lasts longer. It appears as a source of new legends far on into the centuries illuminated by the light of history, and so bears witness to the fact that the myth-making power of the imagination never quite dies out.

In all these various connections, the ideas that cluster round hero worship exercise a specific and permanent influence upon *morality*, and thereby bring many aspects of the religious life which have made but little progress at the stage of the nature-myth to a higher and more complete development. The thought of God as the ideal exemplar of human endeavour does not attain its full significance until the heroic figures of the myth have become humanised, and all those elements in the world-order eliminated which depend upon the superhuman character of the manifestations of deity. Indeed, we might say that nature-mythology, in the nature of things, could not carry it beyond the point at which the gods are just about to pass over into heroes; so that the effort after ethical idealisation does not really appear before the hero legend. Here it becomes so palpable that even in the ancient world itself philosophy was often able to lay hold of it, using the image of the hero and his deeds with full and conscious intent, whether for the concrete representation of some general ethical ideal or for the inculcating of special moral doctrines. While the philosophers opposed the nature-gods—opposed, *i.e.*, all the immoral attributes with which the poetic imagination had endowed them—they approved of hero worship, under certain circumstances, as an effectual spur to the emulation of great moral examples. Here, surely, is convincing proof both of the great vitality and of the ethical value of the hero legend.

All this is clearly illustrated by the character of Heracles, the chief figure of the Greek hero legends. Heracles represents a number of deities, who were gradually absorbed in him, as well as certain elements of barbarian myths; but he owes his great importance to the fact that the national mind of Hellas, at all times and in all places, made him the prototype of the true hero, a model of

whatever seemed to it at the moment to be great and admirable. He has, too, one special feature, probably derived from the nature-myth, which afterwards became of peculiar ethical significance: he is the working, suffering hero, harassed by labours and persecutions, yet bravely persevering in the midst of all misfortunes, and finally receiving the reward of virtue in his elevation to the rank of a god. His myth thus reflects a view of life that takes the world and its tasks seriously enough, but still, on the whole, looks cheerfully and hopefully to the end. Heracles is not miserable under his burdens, does not break down, when left without divine assistance, under the load upon his shoulders: he is a mighty man of valour, who helps himself by his strength and endurance. And the story of his life is so rich in incident that every age and well-nigh every ethical school can take from it, or read into it, their own special ideal. The athletes of the gymnasia and the contestants in the Olympian games saw in him their protecting hero, the type of manly power and irresistible strength. The Sophists, with their parable of Heracles at the parting of the ways, took him as an example of wise foresight and prudent reflection. And the Cynics and Stoics found in him the ideal of the wise man who scorns pain, and prefers toil and privation to the good things of life.

Alongside of this tendency to endow a single ideal personality with the full tale of praiseworthy attributes, we find in hero worship the same differentiation of moral qualities which plays so important a part in the separation of the humanised nature-gods (*cf.* p. 88). While it links the hero legend to the underlying nature-myth, this distribution of attributes also affords the means of bringing different heroic figures into manifold and varying relation, and so of giving to the legend that air of historical reality which

renders most effectual aid towards its confusion with genuine history. To recognise this, we need only remind ourselves of the apportionment of qualities among the heroes of the Trojan war or of the story of the Nibelungs. The figures of Achilles and Ulysses, Siegfried and Hagen, though opposite traits of character seem to have been intentionally emphasised in them, still preserve each in its own way their ideal significance. And while the epic poem may have largely contributed to the contrast of light and shade in the picture, it was, after all, only obeying the impulses which it received from the popular legend; just as this, in its turn, grew up on the basis of a translation from the language of nature to that of conduct—from the changes of natural phenomena to the contrasts of the moral character—that preceded the more conscious formation of the myth. Here too, therefore, the mythical material obtains its ethical value through an original emotional connection between human actions and external nature.

But the inmost moral convictions of a people are shown far more plainly in the characters of its heroes than in its gods. Even after their humanisation, the gods retain something of their old unapproachableness. Not merely their anger, but their favour is felt by man to be an ordinance that he must receive with meekness. This attitude of mind was aptly expressed by the Greeks in the story of Tantalus, which relates the fateful consequences of a too familiar intercourse with the gods. With the heroes it is different. Although their origin leads back to the gods, they have nevertheless lived as men among men, and have left behind them a human progeny, from which many a scion of later generations is proud to trace his descent. They thus appear as *attainable* ideals of human virtue, a character that abundantly offsets the greater elevation and majesty of the gods. They have, too, a further advantage in the fact

that the belief in their historical reality is stronger, and therefore lasts longer, than the belief in that of the gods themselves.

But the heroes, also, have their appointed time. When it has come, they may still live on in popular legend, but lose, little by little, the moral influence which their earlier ideal significance gave them. The reasons for this decline lie partly in the constant shifting of mythological ideas, but more especially in the change of ethical conceptions. Hero worship cannot last very long after the decay of nature-mythology. It soon becomes manifest that the hero draws all his strength from the nature-myth, and that when the god who stands behind him disappears, he either becomes entirely human,—an actor upon a fictitious historical stage,—or a mere bugbear of popular superstition,—a thing to frighten cowards and children with. In any case, his ethical significance is entirely lost.

Meanwhile, the moral life has itself undergone a change. The hero is the ideal of a barbarous age, when men still have something about them of that untamed power of nature which finds embodiment in the hero-myth. And though the attempt to adapt the hero-myth to changed conceptions may succeed for some short time, it must fail in the end, as soon as ever the change in moral requirements has given rise to a new religious theory of the world, that can cope with and overcome the remnants of the nature-mythology. The *religions of civilisation* thus originated must not be supposed, however, to lack the personal ideal. On the contrary, it is only in them that it acquires its most effective ethical form. the place of the hero is taken by an *historical* personality of exceptional moral greatness. Yet even then myth is not wholly banished: the new ideal cannot altogether escape mythical transformation.

*(d) The Ideal of the Ethical Religions.*

The result of our investigation has been to show that there is no form of religion in which ethical elements are entirely wanting. The motives of the religious and moral feeling are so nearly related that a separation of the two is impossible. But in nature-religion, closely interwoven as it is with a mythical contents that oftentimes originates from very heterogeneous sources, morality is simply one constituent among many, and some of the rest are directly opposed to it. We may therefore give the name of *ethical religions*, by way of contrast, to those religious developments whose motives are from the beginning if not exclusively, at any rate so predominantly ethical, that the others possess only a minor significance.

Looked at in this way, the 'ethical' religion is identical with the 'religion of civilisation'. For the nature-religions have always grown up out of those early views of the world and of life in which primitive man expressed his thoughts concerning nature and natural changes as well as concerning the moral qualities of his fellow-men. Nature-religion is never the creation of an individual mind, although individual poets and prehistoric thinkers may have helped to shape it. The religions of civilisation, on the other hand, have always been initiated by a single religious personality. I do not mean, of course, that the founder of such a religion could disregard the prevailing views and tendencies of his time. But while in the nature-religion these are the predominating influences, absorbing everything that the individual may contribute to the common stock of ideas as if it were necessarily common property, which might just as well have been contributed by anybody else, in the religion of civilisation the reverse is true. There it is the founder who gives clear and definite expression to something which has moved

all minds alike, but has never before been spoken. And the work, despite its inevitable dependence upon age and environment, bears the unmistakable impress of his individuality, of his own personal attitude to the world. In the nature-religions, the religious and ethical element endeavours by slow degrees to free itself from the mythical constituents, though the separation is never fully consummated. In the ethical religion we have the obverse of the picture: sooner or later there is an intermixture of mythical elements, whether borrowed from some already existent nature-myth, or fresh formed by the never ceasing activity of the myth-making imagination. In most cases, it is probable that both factors—transference and creation—are operative. The Buddha legend contains many features of Hindoo nature-myth, which long before its day had become incomprehensible; so that modern mythologists have been tempted to transform Buddha himself into a sun-hero.<sup>1</sup> And the same influence can be traced in Christianity, more especially in the translation of the legends of ancient heathendom into Christian ideas. But the main incentive to this secondary myth-formation is the personality of the founder of the religion, whom the imagination surrounds with a halo of legends, nearly all tending to emphasise the *ethical* values in the ideal picture. Hence, where there is no such single personality—when, as in Brahminism, the foundation of an ethical religion is the work of a whole priesthood—the ethical form is merely the outgrowth of a gradual philosophical transformation and reinterpretation of the original nature-religion, and the transition to a purely ethical view of the world belongs properly not to religion, but to philosophy. A religion of this kind lacks, further, one very important ethical factor—the personal moral

<sup>1</sup> Cf. OLDENBERG, *Buddha*, pp. 73 ff. [Translated by WILLIAM HOEY, 1882.]

exemplar—which can be introduced only by the existence of a personal founder

In the four greatest religions of the civilised world, Confucianism, Buddhism, Christianity and Mohammedanism, this idea of a *moral personality*, which forms the centre of unity for religious thought, and stands as the supreme type of moral living, has attained its fullest development. The ideal, which found but partial and incomplete expression in the heroes of the ancient ethnic religions, is here concentrated, as it were, in a definite historical personality, whose portrayal may, it is true, be oftentimes disfigured by legendary accretion, but whose moral effect has been too plainly printed upon the page of history for the value of the original to be thereby impaired. Here the reality outshines all the fictions of the myth-making imagination. Any poet can discover adventures for a hero, but the traditional teachings of the founders of the great religions contain, in the spirit of penetrating moral and religious insight that pervades them, unimpeachable evidence of the existence of the teachers themselves. It is the exact coincidence of word and deed that lays hold of the believer's mind and gives to these prophets of God and intermediaries between God and sinful humanity their immense significance as exemplars of life and conduct. Division of value is always a diminution of value; so that the highest ideal must be a single ideal. That the moral ideal, if it is to be effective, must be personal, and provided with all the evidences of reality, is a corollary from the very nature of moral ideas, which always centre about an active human personality. And the requirement that in the ideal moral personality word and deed shall exactly coincide has its source in the twofold exemplification of moral living in sentiment and action, whose agreement or disagreement furnishes us with a criterion of character.

As hero worship is a necessary development from a polytheistic nature-mythology, so is this moral ideal of humanity, realised for thought in the unity of a powerful personality, the correlate of an ethically purified monotheism. Christianity, in designating Christ as the *mediator* between God and man, has defined this position in terms that can be plainly read even through the obscurities of an intruding mythology.

### 3. RELIGION AND THE MORAL ORDER OF THE UNIVERSE.

#### (a) *Ideas of the Life after Death.*

The idea of the gods as representatives of an ideal moral order of the universe developed very gradually from various elements of mythological thinking. Among the most important of these are the ideas of the continued existence of the soul after death. Derived in the first place from independent motives, and so standing for the most part out of all relation to ethical conceptions, they came by slow degrees to have a close connection with ethics as reinforcing one of the most essential constituents in the notion of a moral world-order, the ideas of *reward* and *punishment*. So close is the union, that at a more advanced stage of development it may quite well appear as if the thought of continued existence after death has its sole incentive in these ideas. But although we may admit that the thought, once formed, is chiefly indebted to them for its long continuance and later transformations, still the fact remains that the two elements were originally separate, and only subsequently joined forces for mutual support and confirmation. And this gives us valuable evidence of the complexity of the roots from which the religious feeling springs.

It is a belief common to all primitive races that the human spirit is a sensible being, separable from the body. This

naïve materialism, from which even the early philosophers were not exempt, has two sources: the phenomena of *death* and of *sleep*. It is due, in the first place, to the impression made by the cessation of life with the drawing of the last breath, as is still shown by the words denoting soul and spirit in the most diverse languages *Geist, animus, spiritus, ψυχή, ruach*, all alike point to the idea that the soul leaves the body with the last breath<sup>1</sup> And popular superstition at the present day conceives of it as a puff of wind or smoke or a little cloud. The further development of the original idea is determined by association with the dream-image. The soul is a shadow, visible to the eye, but vanishing into thin air at the touch of the hand As during the dream the soul can temporarily leave the body, and make long journeys in the form, perhaps, of a butterfly or a mouse or a snake, so it is sometimes conceived of as embodied in animals after death, and more especially in animals whose rapidity of movement and sudden comings and goings arouse an uneasy fear, a feeling akin to the impression produced by death itself<sup>2</sup> There can be no question that these ideas constituted the natural point of departure for the later and more systematically developed conceptions of the transmigration of souls. At the same time, the belief in the embodiment of the soul in animals or inanimate objects exercised a relatively slight and transient influence upon the general trend of ideas concerning the future life. The remembrance of the living is so potent that the souls of the dead tend more naturally to take the form which they wore during life.

It follows from this that the ideas which cluster round the

<sup>1</sup> On *Geist* (English *ghost*), cf. Hildebrand in GRIMM'S *Wörterbuch*, iv. p. 2623; on the Hebrew *ruach*,<sup>1</sup> GESENIUS, *Handwörterbuch*, 7 Aufl., p. 797. A list of words of like meaning in other languages is given by F. A. CARUS, *Geschichte der Psychologie*, in the *Nachgelassene Werke*, iii. p. 51. The origin of the German word *Seele* (English *soul*) is uncertain.

<sup>2</sup> GRIMM, *Deutsche Mythologie*, 4 Aufl., p. 905.

thought of the separation of the soul from the body have a kind of explanatory significance, somewhat after the fashion of the original nature-myth; they do not express any particular moral conception. And this independence of morality is apt to extend further to the primitive ideas concerning the manner in which the soul is employed in its continued separate existence. Here, however, the need of explanation, for which there is little chance when the phenomena lie on the farther side of death and dreams, becomes wholly subordinated to the feelings which fill the individual mind as it recalls dead friends or dwells on its own departure. When memory prevails, the ideas of life after death inevitably take on something of the sadness which the survivor experiences at the loss that he has suffered. So we can readily understand how the Greek, sanguine of temper as he was, should think of Hades as the scene of a gloomy and joyless existence. Where, on the other hand, the thoughts and efforts of man are directed with anxious expectation to that which shall come after this life, he naturally looks forward to the future, in contrast to the toil and care of the present, as promising an endless renewal of the enjoyments of which the world has all too few to satisfy his longing. Thus the Indian, in his unsettled hunter's life, hardened to privations, dreams of the happy hunting-grounds in the west, where the spirits of the dead have plenty and to spare for their feasting.<sup>1</sup> And the ancient German, accustomed to fight and labour in his wild forests, believed that the heroes in Walhalla were happy for all eternity with merry drinking bouts and joyous exercise in the tilting field.<sup>2</sup> But when once man's own hopes and fears have thus come to play the chief part in his ideas of the future, the notion

<sup>1</sup> WAITZ, *Anthropologie der Naturvölker*, III p. 197. RATZEL, *Völkerkunde*, II pp. 694 f.

<sup>2</sup> GRIMM, *Deutsche Mythologie*, pp. 682 ff.

of *reward* and *punishment* must also rise to prominence in his consciousness.

The ideas of a future state may be divided, according to their contents, into two series: a lower, which retains its connection with the immediate impression of death and of that which has preceded death; and a higher, concerned with the remoter destiny of the soul, which is painted by the imagination without reference to the memories of immediate earthly experiences. The two forms are generally, though not always, connected with the different motives mentioned just now (p. 102).

(1) When the memory motives are in the ascendant, it is the first series of ideas which comes to the front. The souls of the dead are supposed to remain in the homes, or in the neighbourhood of the homes, which they inhabited during life. Sometimes the dead body is looked upon as the permanent abode of the soul,—an idea which evidently accounts for the very widespread custom of the artificial preservation of the body by embalming, etc. Sometimes the freed spirits enter into animals or inanimate things, in accordance with the belief (p 101) in the transference of the soul at death to some external object. And sometimes the spirit is said to hover about the living, either in invisible form or as a ghostly shadow that becomes visible only at night. The connection of all these ideas with ancestor worship, which originates from just the same motives, is easily recognisable. Hence where, as in Rome, ancestor worship was from the beginning a fundamental feature of the religious life, civilisation itself was not able to drive out the primitive ideas of the state of the departed soul. And even under other conditions the primitive view, whether it persist as superstitious survival or (as occasionally happens) in the guise of particular religious theories, constitutes an element in the ideas of a future life which,

despite its conflict with more highly developed conceptions, is never entirely rooted out.

(2) When, on the other hand, hopes and fears concerning one's own fate after death occupy the foreground of consciousness, it is always the second series of ideas which predominates. We then have the notion of a special country or kingdom of the dead, conceived of after the model of this world, it is true, but still so remote and apart from the realm of the living, that the imagination has free play in the depiction of its joys or terrors. While the soul remains in the neighbourhood of the living, its existence is necessarily dependent upon the living: it lives on to further their desires or thwart their plans: but the renewed existence always bears heavily upon it, is always tinged by the ghostly horror which inevitably accompanies the intermingling of death with life. Not till the other world has been entirely separated from the world of life can it attain any high value in ethical regard. When the separation is made, however, the ideas about the abode and state of the dead may still take the most varied forms, according to the stage of general mental development and the special emotional tendencies of the race. They approximate most closely to the ideas of the first series when definite regions in the neighbourhood of the dwellings of the living—usually lonely valleys and ravines—are made the residence of the departed souls. A farther step leads the dweller upon island or sea-coast to the belief in distant islands beyond the sea: islands which a symbolism that connects the course of life with the change of the sun has always set in the west. Not only does Hesiod send the demigods of the fourth age to enjoy unruffled happiness in the 'islands of the blest'; the Polynesian and the North American Indian also tell of a journey across the sea, which brings the soul to the happy islands. If the

imagination paints man's future destiny in dark and joyless colours, then (as in the Greek mythology) the inner parts of the earth become an underworld, a realm of shadows, ruled by special deities. If, on the contrary, man's thought of the future is dominated by the hope of better things to come, the abodes of the blessed are placed in the bright spaces of the heavens among the stars, in virtue of the same association of light and height with perfection and purity which gives the gods themselves a dwelling-place in heaven. Thus we find Elysium set over against Hades or Orcus, and Paradise over against Hell. That the two antithetical conceptions attain their full value only in relation to each other is a sure sign that they have grown up under the influence of moral ideas of reward and punishment. And even where their origin was at first independent, they are gradually assimilated to one another. At first, the two opposite views of the future state simply reflect the feelings of hope and fear with which the mind is filled when it considers the vast uncertainties of the fate to come. But when once the moral impulses have arisen, to control the work of the imagination, the feelings of hope and fear are bound up with the desire for good and the rejection of evil, and the future life is thus transformed into a world of reward and punishment, in which each man receives the measure of happiness and pain that he has merited in his life upon earth. But the course of this development is affected by yet other ethical motives, which call for special consideration.

(b) *The Development of the Ideas of Reward and Punishment in the Nature-Religions.*

From the moment that the gods of the nature-myth have become humanised,—are conceived of as men, but men endowed with all human characteristics in more than human

measure,—they are not merely themselves ideals, moral exemplars or (where the notion of the negative ideal has arisen) prototypes of evil, but also the guardians of law and justice, of family and state, of the practice of the individual and social virtues. They have founded the moral order of the universe, and maintain it by reward and punishment.

This conception of a divine order of the universe has not at first any necessary connection with the ideas of the life after death. It is found among peoples to whom the idea of a future life is almost entirely foreign, *e.g.* in the Semitic races. And it is a prominent factor in the religious thought of peoples whose belief in a continued existence is primarily determined by the gloom and horror of death, to whom, that is, death seems something wholly unfortunate, an evil that can hardly be mitigated: as, *e.g.*, the Homeric Greeks. But experience shows that even in these cases the two sets of ideas become connected in course of time, and that though the idea of a future life may have originally found no place at all in mythological thinking, the idea of reward and punishment assures its entrance later on. It is very possible that external influences, religious conceptions imported from other nations, take part in the process; but still, the fact that they fall upon fruitful ground remains as evidence of a religious need which gradually matures with the evolution of moral ideas. The psychological development which leads to this fusion of what were originally disparate ideas is most clearly reflected in the changes which the Greek views of religion and morals underwent in regard to them.

In Greece, as in Rome (p. 83), the course of religious development begins with a primitive soul worship, which has left many traces upon later thought. But this gave way at a very early period, probably under the increasing influence of the custom of cremation, to the theory of life which has found

its expression in the Homeric poems,<sup>1</sup> a theory concerned in the first instance with sensible reality, and caring little for what may be beyond.

In Homer, life is a play whose *motif* is divine justice; and this justice manifests itself principally in punishment. Virtue finds its reward in itself and in the unfailing respect of one's fellow-men. But evil-doing is punished, either at once or later on, when a more favourable opportunity offers, and usually at the moment when the evil-doer is especially sensitive to correction. This conception of punitive justice, therefore, not only stands out of all relation to a life after death, but is coupled with the belief that retribution always overtakes the guilty, sooner or later, during his lifetime. The gods in general, and Zeus in particular, are the upholders of the moral order of the universe. Their punishment strikes the criminal sometimes in his own person only, sometimes together with his kindred and descendants. The sin of the ruler determines the destiny of the state. All the Trojans must atone for the crime of Paris. The dominant thought here is partly the notion of the solidarity of the state, and partly the idea that the severest punishment that can be meted out to a ruler is to have the commonalty perish with him. One of the heaviest punishments of all is that fate should lay hands upon children before the eyes of their parents,—as in the case of Niobe, whose sons and daughters are swept off by the arrows of Apollo and Artemis, because she had boasted too presumptuously of her motherhood.

The frequent observation that crime may go for a long time unexpiated must, however, have favoured the development of different views. views that should make it possible to maintain the postulate of a punitive justice in face of contradictory experiences. The vengeance of heaven extends

<sup>1</sup> ERWIN ROHDE, *Psyche. Seelencultus und Unsterblichkeitsglaube der Griechen*, pp. 1 ff.

farther and farther. It reaches out beyond the life of the criminal himself; the belief grows up that the punishment which cannot overtake him will fall upon the heads of his descendants. The feeling of blood-kinship and the idea of blood-revenge based upon it, which actually became a right recognised by law, did much to further this extension of the domain of punishment. for the punishment of a man's descendants is, in a certain sense, only the passive complement of the idea of blood-revenge. As the kinsman takes the place of the injured man, who can obtain no satisfaction for himself, so must future generations take upon them the misdeeds of the criminal who has been snatched by death from the avenging arm of justice. This development of the idea of justice must further have been assisted by the revival of the worship of the dead and of ancestors, which had fallen into disuse in Homer's time, but which is clearly manifested in the various phases of the change in religious conceptions that we are now tracing, and especially in the constantly increasing importance of the cult of the gods of the underworld.

The Attic tragedians give us this new theory of the world in its poetic form. The keynote of their work is the idea that punishment does not overtake the transgressor during his lifetime, but in the persons of his descendants. Not merely the unhappiness, but also the sin of sons and grandsons is considered as a punishment for the sin of their forefathers. The legends which tell the fortunes of the mythical families of the Pelopidae and Labdacidae contain an unbroken chain of incident illustrative of this persistent power of the fate that follows so unerringly upon sin to entangle the kindred and descendants of the guilty in ever new transgression. So, too, the national god of Israel avenges the sins of the fathers on the children unto the third and fourth generation. In this case, however, there

is a bright side to the picture. He who leads a life that is pleasing to Jehovah will receive his reward to the remotest generations

At this point it must necessarily happen that the enlarged conception of justice becomes connected with the ideas of a life after death, if these are at all developed in the national consciousness. And, as a matter of fact, Greek thought is permeated by the belief that the dead in Hades share the fortunes of their house, that they feel the sin and unhappiness of their sons and grandsons to be a punishment for their own sins. Moreover, this view, that the dead suffer pain by sharing the pain of the living, soon becomes associated with a further idea. If the crime that a man committed in his lifetime is atoned for by the sorrow which he is destined to suffer in Hades, that sorrow need not consist merely in the sympathy with which he follows the destinies of his kinsmen. It may be a new and separate pain, inflicted upon him in his new state of existence. The conception of an endless torment which the wicked suffer in the underworld reaches back in its first beginnings to a very early period. Thus the *Odyssey* gives us the pictures of Tantalus, who languishes for the enjoyment that is constantly presented and as constantly taken away, and of Sisyphus, who never ceases to roll up the stone that continually rolls down again<sup>1</sup>. But it is plain that they are here simply aids invoked by the imagination; the terror of the punishment is heightened by making it eternal, but the punishment itself is only a continuation of such penalties as the wicked have already paid in their life upon earth. The opposite idea of a reward of virtue continued into the next world is similarly anticipated at a very early date in certain sporadic cases. Thus the idea of Elysium, where the dead enjoy for ever an untroubled and serene existence, is also found in the *Odyssey*.

<sup>1</sup> *Odyssey* xi, 582.

But the reward is a prize accorded only to the chosen few. It is promised in this sense, *e.g.*, to Menelaus on his return homeward from Troy <sup>1</sup>

Now when these ideas have been generalised, *i.e.*, are transferred from individual men especially distinguished by the favour or disfavour of the gods to the generality of mankind, the thought of the life after death takes its entire colour, at once and as a matter of course, from the thought of retribution. The future life becomes a system of rewards and punishments, which are not merely continued from this world to the next, but cannot properly be said to begin until after death. The postulate of a divine justice, so often negatived by the events of the life upon earth, thus obtains a full and complete validity that is not to be shaken by contradictory experiences. At the same time, the gods of the underworld appear as the judges of the acts of the dead. Tartarus and Elysium are set over against each other as dwelling-places of the sinful and the blest, entirely separate and apart. Tartarus is ruled by Pluto, Elysium by the fair-haired Rhadamanthus. As the gods of the realm of shadows thus assume the offices of reward and punishment, the older idea, that the divine vengeance pursues the criminal in his earthly life, gradually dies away, or if it persists, persists in different form. The avenging gods are no longer the unapproachable and majestic figures of the Olympian circle, but subordinate deities, whose special concernment is with fate and punishment, like the Moeræ and the Erinnies. The change shows, nevertheless, a distinct refinement of the moral feeling, for these lower deities are far more direct embodiments of the fear for the future and remorse for the past that prey upon the guilty conscience than were the thunderbolts of Zeus and the arrows of Apollo. And it does not carry with it any abrogation of the ethical significance of the

<sup>1</sup> *Odyssey* iv., 561.

higher gods. Indeed, this is rather enhanced, for they have not now themselves to execute each separate act of the divine justice, but only to assure its general maintenance. They are thus thrown into greater prominence as the founders and upholders of the moral order of the universe as a whole, while its details are regulated by subordinate instrumentalities.

The purification of the moral feeling which is implied in the development of this thought of an universal moral order, finds its expression in two noteworthy changes in the trend of religious thought (1) The first consists in the slowly increasing significance of the idea of reward for good actions. The gods are no longer regarded merely as the avengers of crime committed. Their office is to assign to each man his due, in the future life, according to the measure of his deeds in the life before death; and so they come to embody more and more perfectly the thought of an all-ruling justice. And this justice, in its turn, is no longer restricted to a few elect mortals, but is extended impartially to high and low alike; so that the expectation of future reward and punishment naturally becomes associated with the hope of an equalisation of those unmerited differences which the accidents of birth and fortune introduce into the life of man. (2) The second change, which runs parallel with the first, consists in the gradual disappearance of the idea of a divine punishment which is visited upon man at thehest of morally indifferent motives, an idea which has its chief source in the same tendency to humanise the gods that makes them share in human weaknesses and passions. The more human the god is made, the more readily can his anger be aroused by actions that are not in themselves blameworthy, but merely cross his own temporary moods and wishes. It may even come to pass that the good fortune and fame of a man, though they have their origin in moral excellence, call

forth the anger of a god, since desert that passes the customary human measure is a prerogative claimed by divinity alone. This is the foundation of an idea which obtained a very considerable influence in Greek thought, —the idea of the *jealousy* of the gods. Despite its immoral interpretation of the reasons swaying the divine will, the idea of the divine jealousy is still not without significance for ethical development. Indeed, it is not too much to say that the underlying conception is really moral in nature, although its religious expression is imperfect. On the one hand, there is the thought that too much good fortune may easily make a man presumptuous, and so disturb the equilibrium of his moral powers. On the other, the belief that a certain measure of material good fortune may not be transcended without being counterbalanced by a corresponding measure of misfortune gives utterance, for the first time in history, to the demand for a distributive justice. And as by slow degrees the demand is transferred from this world to the next, the lower feelings of envy give way to the idea of a *perfect justice*, which not only rewards the good and punishes the evil, but also equalises all the differences of the life upon earth, so that everyone receives that which he deserves. There are, however, influences at work to produce this change of view which evidently have no place in the autonomous development of nature-religion, but are gradually brought to bear upon it by the maturing of *philosophical* reflection.

(c) *The Influence of Philosophy on Ideas of Reward and Punishment.*

The development of antithetical moral conceptions within the nature-religions took place most easily and naturally where the myth itself, in its primitive stage, had developed the antithesis between benevolent and malevolent powers.

This had been done among the Indo-European peoples in the Iranian, and to some extent in the old German mythology. But the evolution of, *eg*, the Iranian views upon religion shows clearly that the complete moralisation of the thought of immortality was accomplished only under the influence of philosophical speculation. Even in the oldest hymns of the Zendavesta we find an union of religious feeling and philosophical reflection which points conclusively to the work of certain powerful personalities, who have recast the contents of the original nature-religion in the interests of morality.

On the other hand, we must remember that the ideas of the life after death which are handed down in the myth themselves contain, like all religious ideas, a nucleus of moral significance; so that they furnish welcome assistance to philosophy in its attempts to unravel the ultimate motives of the ethical consciousness. Hence it comes about that the field of morals is a field at all points of which philosophy and mythology are constantly meeting and crossing whether it be that the myth is permeated by philosophical thought, or that philosophy tries to embody its conceptions in mythological images, or, finally, that both religion and philosophy interpenetrate so completely that it is hardly possible to decide which of the two constituents predominates in the whole. We may take Zoroastrianism as an instance of the first kind, *i.e.*, of a religion influenced by philosophical reflection, and Platonism as illustrative of a philosophy couched in religious ideas, while the religious metaphysics of Brahminism affords us an example that has never been equalled—or, indeed, even approached—of a complete in-tussusception of the religious and philosophical elements.

The ethical application of the ideas concerning a life after death is worked out most fully in two philosophical systems, one of which belongs to eastern and the other to western thought: the philosophy of the Hindoo Vedas, and Platonism.

These two philosophies have exercised a profound influence upon the two ruling religions of the world,—Buddhism and Christianity. Carrying out to its logical conclusion the thought that death is followed by an eternal life, whose nature is determined by the contents of the life upon earth, they look upon man's earthly existence as no more than a preparation for its continuance in the other world. It is true that the theology of ancient Egypt, setting out from similar premises, had long before made a concernment with death and immortality the cardinal point in religious worship. But such a view could not gain its full power over the minds of men without the addition of that speculative idealism which was independently developed by the Vedic philosophy and the Platonic system. The Egyptian simply transferred the material things of this world to the world beyond the grave, so that the future life was for him only a prolongation of his present sensible existence. Brahminism and Platonism, on the other hand, rise to a belief in the immortality of the *soul*, while they regard the world of sense as foredoomed to decay, and valueless except in so far as the immortal principle participates in it. There is thus developed that impulse to flee from the world and to sink oneself wholly in the depths of one's own being which sets the Vedic philosophy in such sharp contrast with the practical ethics of Hellenism, actively devoted to the material ends of the individual life and the interests of the civic community. Platonism, itself a Greek product, stands at first midway between these two extremes. But the mysticism which grew out of it on the theoretical side, and the monastic asceticism which drew the practical inference from its contempt for the world of sense, once more forced the ideas of moral duty into the background. The mystic and the ascetic alike believe that it is possible even in this present life to enjoy a foretaste of that eternal blessedness which is free from earthly cares. The mystic would

reach his end by absorption of self in the thought of a supersensible world, the ascetic would attain it by breaking down the barriers of sense, as far as may be, through mortification of the flesh. Both are striving for a moral reward without regard to moral conduct, and so complete is the separation of the moral life from connection with the external world that all genuine moral activity disappears. It is this contradiction that has proved fatal to Brahminism. Christianity, on the other hand, except for occasional aberrations, has taken up the standpoint of the earlier Platonism. The world of sense is the world of moral action; and the whole of the practical ethics of Christianity has reference to it. The supersensible world is the world of moral rewards and punishments. According to the Christian view of life, therefore, a man should be guided by the idea of a supersensible world for which his earthly life is a preparation. And Christian ethics is led by this reference of external actions to an existence which, though withdrawn from its own sphere of operation, is nevertheless visible to the prophetic eye of faith, to lay stress on the *inward motive* as the measure of value in the moral life. No religion expresses so emphatically as Christianity the thought that God tries the *conscience*, and that the merit of the moral life consists not in an outward righteousness of conduct, but in purity of the inward motive.

Christianity has thus ended a conflict which the religious ethics of antiquity was never able to allay,—the struggle between external moral precept and internal moral duty. It is this struggle which finds such impressive portrayal in Sophocles' *Antigone*; and it may be that the play moves us as it does because the poet comes so near to the answering of the riddle, though he can nowhere find its full and final solution in the conceptions of his own time. Christianity settles the dispute by giving internal moral duty, the precept

of conscience, an unconditional superiority over conformity of external action

We see in all this how the idea that human conduct is visited according to its morality or immorality by reward or punishment takes shape under the dominating influence of the philosophical deepening of religious thought, and how the trend of development throughout is to add to the sum of ethical contents in the totality of religious conceptions, and so to enhance the effect that these produce upon the moral life. The primitive belief that a crime which escapes human notice will nevertheless be overtaken in this present life, be it sooner or be it later, by the divine punishment, has gradually given way to the belief in a system of rewards and punishments, whereby every man is requited in a future existence, free from the imperfections of this life, in exact accordance with the moral worth of his actions. And in the estimate of this worth the inner value of the virtuous motive has finally gained the victory over the external value of the act.

The more decidedly the idea of the might of the gods outweighs in the primitive consciousness the fear of man's vengeance or of the punitive power of the state, the more certainly must the motives to moral action which lie in the natural conditions of life be strengthened by the religious motives. And the power of the religious motives must, in its turn, increase in proportion to the exaltation of man's ideas concerning the gods. Now there is nothing which has contributed more to this increase than the moral deepening of the idea of God that goes together with the thought of reward and punishment. And when the final stage of the development is reached—when exclusive stress is laid on the inward motive, and external actions are valued only in so far as the religious and moral disposition is evidenced by them—then the *subjective* factor in the appreciation of moral qualities obtains the place it deserves, and the objec-

tive loses its old ascendancy. However exceptionable this ethical subjectivism may be when it takes the egoistic form of an ascetic monasticism, still, the high value set upon self-examination as such must be regarded as a great moral gain. It adds incalculably to the power of the religious ethics to hold its own against the tendency to an external utilitarianism, which springs so easily from a purely objective consideration of moral phenomena.

(d) *The Idea of the Moral Order of the Universe.*

The ideas of reward and punishment, despite their great significance for ethical development, are open to objection on the ground that they employ egoism as an ethical motive. They value the moral action, that is, not for its own sake, but for the sake of future advantages that are to be gained by its means. While it is indubitable that they are among the most important factors in moral evolution—if indeed they are not the most important of all—still we cannot resist the conviction that they press immoral motives into the service of moral aims. But unpleasant as this consideration is at first sight, we shall be reconciled to the facts if we regard them from a somewhat different point of view. We must remember that 'motive' and 'aim,' as used here, indicate different stages in the process of ethical development. There is only one way in which mankind can transcend the primitive condition, when the moral consciousness has not grown strong enough to direct the will of itself, without the aid of extraneous motives. They must become familiar with morality as the *result* of conduct. The moral motive does not originate the moral aim; it is the aim, attained in response to all sorts of promptings to action, that produces the moral motive.

With this in mind, we cannot fail to trace a gradual purification of motives even within the thoughts that centre

round the ideas of reward and punishment. Fear of punishment, the earliest and lowest corrective of untamed impulses, yields by slow degrees to the nobler emotion of hope for better things in a future existence, and the colours in which imagination paints the future life give clear evidence of the increasing purification of the moral consciousness. Then at last, when the highest stage is reached—when righteousness of outward conduct has ceased to be regarded, and the moral and religious nature of the inward motive becomes the one thing valued—the ideas of reward and punishment recede more and more into the background, or if they hold their former place, cease to be of any practical effect as motives. For the moral disposition, the inward moral motive, is not anything that can be produced at will by the consideration of the rewards or punishments that will fall to man's lot. One may be outwardly righteous from selfish and intrinsically wrong motives, but no wrong motives can give rise to purity of the inward disposition. Hence, when once the main emphasis in moral estimation is laid upon the inward motive, the thought of reward and punishment loses all its ethical significance.

But if the thought of reward and punishment thus gradually disappears from among the ideas of the supersensible world, these ideas themselves do not disappear with it. They take their origin not merely from the natural hopes and desires of mankind, and from the primitive sense of right that demands a justice which shall equalise the unmerited differences of life upon earth: their sources are as manifold as the moral feelings. The less influential the thought of reward and punishment becomes, therefore, the more largely are the ideas of a world beyond the grave moulded by the impulse to fashion an ideal copy of real life, in which all imperfections are blotted out. And as the progressive deepening of the moral consciousness throws the

*ethical* aspect of things into high relief, the world of the dead is transformed into the *ideal of a moral order of the universe*. The real world is unable to fulfil objective moral requirements, or to satisfy the endeavour after individual moral perfection ; so that the human mind is driven to the thought of an ideal world, morally perfect and therefore perfectly happy, as the indispensable complement of man's present sensible existence a psychological process which, as history shows, runs its course the more certainly and irresistibly the more overt the discrepancy between ethical wishes and demands on the one hand, and their fulfilment in real life on the other.

This view of the future life, which has its source in the ideas of reward and punishment and for a long time remains connected with them, is gradually separated from its original context. At first it is only the virtuous who obtain entrance into the ideal world. Then the notion that the guilty undergo a process of purification arises to mitigate the terrors of the older idea of divine vengeance. Punishment is still looked for; but punishment will not endure for ever, and beyond it is the prospect of an all-embracing reconciliation. The doctrine of the transmigration of souls and the purgatory of Christian mythology—conceptions widely different in outward form, but really related both by community of ethical motive and by the symbolism in which that motive finds expression—show us this connection of the thoughts of vengeance and atonement in highly-wrought imaginative settings. The doctrine of transmigration provides for final expiation by constantly renewing the sinful life in lower animal forms, until the craving to be free from it has destroyed all other impulses. In the doctrine of purgatory, the element of fire suggests both the dominant ideas: the expiating pain, and the cleansing and purification that follow from it.

In course of time, even these last efforts to read a deeper ethical meaning into the mythological forms of the belief in immortality, by way of symbolic interpretation and systematic exposition, cease to be effectual, and only the philosophical form of the belief is left. Philosophy is either content with the general notion of an ideal continuance of personal existence,—so, *e.g.*, the later offshoots of Platonism in western philosophy; or sees the fulfilment of existence in the renunciation of all personal desires, and the return to that original principle of things from which individual existence is derived and into which it is again absorbed,—so the esoteric form of the Hindoo Vedic philosophy, and the modern pantheism that is so closely related to it<sup>1</sup>. In both cases, in Platonism and in the Vedas, the development of the idea of purification reaches its climax in the idea of an universal spiritual life continued within an ideal cosmic order. The paths by which this consummation is attained, however, are very different. While Platonism branched out into a number of systems, some of them widely separated in time and directly opposed in thought, the Vedic philosophy was the work of a single school, whose more advanced thinkers are piously concerned to uphold the work of their predecessors by proving the ethical value of the older views for the lower stages of human knowledge. We are here in presence of an unique phenomenon: a system which meets the religious needs of all stages of development at the same time, the higher stage explicitly accepting the lower as an imperfect form of the same truth.

Because the ideas of reward and punishment disappear from the picture of the world beyond the grave, they do not, however, altogether cease to exist: they simply return to this present life, from which they were originally translated

<sup>1</sup> On the relation between the exoteric and esoteric doctrine of the Vedas, *cf.* DEUSSEN, *Das System des Vedanta*, Leipzig, 1883, pp. 104ff.

to the life to come. A more refined moral consciousness feels the misery of a guilty conscience to be the heaviest punishment that man can suffer, while seeing in it a mode of expiation which stands to guilt in its inner aspect, its aspect for conscience, just as legal punishment stands to crime in its outward aspect of offence against society. This leads us to a final topic, closely connected with the ideas of reward and punishment. that of the *religious sanction of the moral laws* through their transformation into religious commands.

#### *(e) The Moral Laws as Religious Commands*

It is a necessary consequence of this intimate connection between moral and religious ideas, which finds expression in the ascription of the moral order of the universe to divine regulation, that all moral precepts originally possess the character of religious commands. Morality, law and religious worship are, in the first instance, inextricably commingled. Hence we find, almost universally, that legislation and the superintendence of public morals are originally priestly functions, and this outward unification of the various factors that go to make up the ethical and religious norms, their representation by one and the same individual, is in complete accordance with their confusion in the popular consciousness. A classical instance of the interweaving of the three sets of ideas, though one in which the specifically religious element is clearly predominant, is the Mosaic decalogue. This falls into two precisely equal parts. The first five commandments are exclusively religious and moral in character: four of them relate to the worship of the national God, to the hallowing of his name, and to the observance of the Sabbath, a day set apart especially for his veneration, and these very general religious precepts are directly followed by the admonition to honour one's father and mother. The remaining five, on the other hand, are of

the nature of legal norms: they forbid murder, adultery, theft, false witness and the fraudulent appropriation of what belongs to another.

The differentiation of law, ethics and religion, which is barely hinted at in the decalogue in the separate grouping of the two classes of commandments, becomes explicit when, as happens in the first instance, the *legal* norms shake off their original connection with religious ideas. Later comes the separation of the *moral* commandments, though duties like respect for age and filial piety long occupy an uncertain position midway between morality and law. But differentiation does not do away with mutual influence. There are two phenomena, in particular, which show that the original connection, if less patent, is still maintained. (1) In the first place, the law, after its secularisation, still retains the care of religious worship. Even in the cases where language seems to favour separation, as in the contrast drawn by the Romans between 'Justum' and 'Inustum' on the one hand and 'Fas' and 'Nefas' on the other, the underlying motive is really the subordination of both legal and religious right and wrong to the general concept of law. And (2) secondly, a transgression of the law is always regarded as at the same time an offence against religion. This religious standpoint finds characteristic expression in the conception of *sin*, a conception which differs from the allied notions of error, crime and immoral action simply in the fact that it looks upon an offence against the moral law as an offence against religion. Here, too, however, the original unity of all the various ideas is clear enough: the fundamental meaning of 'sin' (*Sünde*) is precisely the same as that of crime (*Verbrechen*). To us, the term 'crime' suggests only the social and legal aspect of the offence, but that is the result of a differentiation of meanings which originated under the influence of the separation of religious and moral ideas.

The farther this separation proceeds, the more completely are the specifically religious commands withdrawn from the supervision of the civil power that stands surety for the protection of the legal norms. The guardianship of law gradually assumes the character of a purely social institution, which has to do with religion only in so far as the liberty to satisfy individual religious needs and the general moral value of religious worship call for legal protection.

At the same time, the separation is and remains a one-sided matter. Religion cannot wash its hands of the commands that fall within the sphere of the legal norms, however sure the representatives of legal order may be that the duties of religious worship lie beyond their jurisdiction. It regards the whole contents of the moral commands laid upon the individual as an inalienable element of his religious duties. Every moral command is thus apprehended by the religious consciousness as essentially a religious command, every transgression of the moral laws, every grave offence against the general legal norms, is also a *sin*, an apostasy from God and his commandment.

Lastly, at the final stage of this development, we have once more a complete fusion of the contents of the moral and religious commands,—a state of things which suggests the original unity from which the whole development began. But the resemblance must not mislead us, this contents has become, in part, very different from what it was. The external rules of religious worship, whose violation is usually accounted at a primitive stage of belief as one of the gravest offences, are now acknowledged to be morally indifferent. Religion and morality tend more and more to blend in an inseparable unity, but in an unity that is purged of all ethically worthless elements. The difference between them has ceased to be a difference of contents; it consists solely in the *point of view* from which they

consider one and the same subject-matter. As Kant expresses it, religion has come to be the moral law regarded as a divine commandment.

Here, as before (p. 112), we find unmistakable traces of the influence of philosophy. It is most strikingly evidenced in the religion and philosophy of the Hindoos. Where the priestly office gave its holder the education of the philosopher, there could naturally be but little of the friction and opposition which have retarded the development both of philosophy and of the religious consciousness among western peoples. But this apart, the contrasts between the different stages of development are perhaps greater among the Hindoos than anywhere else, while they stand out all the more sharply for the fact that all stages have been preserved side by side (p 120). Minutely as the life of the people at home and abroad is regulated by the mass of ceremonial rules, and rigorously as all these rules must be observed by the ordinary man who has not reached the higher stages of knowledge, the sage, who has attained to complete absorption in the divine being, is absolutely free from external restriction. The one thing lacking in this religious development is that direction of the religious sentiment into practical channels which is so characteristic of Christianity. And the consequence is that though it may come to dispense fully and completely with the observance of the outward, mythical and symbolical, rules of worship, yet the external ceremonial is never replaced by the moral and religious disposition and the practical religious life which expresses it, but only by an inactive mystical contemplation. On the other hand, there is one excellent feature of the philosophy of Brahminism which western philosophy, engaged from the first in a struggle with theology, does not display to the same degree: its recognition of the *educational* value of ceremonial rules for

the moral life. Only in this way can we explain the fact that the various stages of development have persisted peacefully side by side, each regarding the other as authoritative in its own sphere.

The development of moral commands from an originally unitary group of religious and moral regulations bears out the conclusion to which we had been led in the previous Sections of this Chapter,—the conclusion that the farther back we go, the more completely do the expressions of the moral and of the religious feelings coincide. To argue from this that morality has originated from religion would plainly be as unjustifiable as to infer, conversely, that religion has its source in morality. Either view would give precedence to one of the elements in the original interconnected whole. At the same time, the analysis of the developmental forms of religious ideas shows clearly enough that, wherever religion has meant the postulating of an ideal order of the universe, the strongest religious motives have been furnished by moral requirements; while, on the other hand, a firm belief in the existence of this ideal world has exerted an equally powerful influence upon the development of the moral life and of moral ideas, partly by way of the conception of reward and punishment, but chiefly through the creation of ideally perfect moral exemplars. But although it is impossible, in face of this interaction, to speak of a development of morality independently of the religious motives, there is nothing in the facts to prove the impossibility of a complete separation of morality from its ultimate religious connections in some one of the later stages of the moral life. In that event we should have to suppose that the religious motives, while they are indispensable to the origin and initial development of moral ideas, are not indispensable to their continuation, or to the final culmination of their develop-

ment. And the thought that this may well be the case is at once suggested by the large number of *philosophical* attempts to find a basis for ethics, which abstract altogether from the religious factors. It is true that the popular moral consciousness, with which alone we are here dealing, is one thing, and the philosophical theory of morality another. Nevertheless it is conceivable that a real connection obtains between the two, however strongly theoretical abstraction may incline to emphasise certain points of view at the expense of others: a tendency whose importance we shall not minimise, remembering that one and the same subject-matter may give rise to entirely contradictory theories.

But whether these speculations are right or wrong, there is one thing which everyone will admit without question: that if morality is to be cut off from its original substrate of religious ideas there must necessarily be other motives, over and above the religious, which can give occasion to a development of moral conceptions. These will, of course, be the motives exclusively emphasised in the various instances of philosophical abstraction which we have just mentioned. Now there is only *one* group of phenomena which can furnish motives at all comparable with the religious motives in moral power: the customs and usages which have their root in the social conditions of human life. That these conditions exercise a very considerable influence on the development of moral ideas is indubitable, whether the religious influence is regarded as permanent or as merely temporary. This latter point itself, however, can be decided only after an investigation of both classes of ruling motives, the social as well as the religious. Hence we pass from our consideration of the religious connections of the moral life to its necessary complement, an inquiry into those *social* factors in morality that manifest themselves in *custom*.

## CHAPTER III.

## CUSTOM AND THE MORAL LIFE.

## I. THE UNIVERSAL CHARACTERISTICS OF CUSTOM.

(a) *Instinct and Custom*

ONE of the favourite topics of discussion in the legal theories of earlier centuries was the question of the way in which human society first originated. Traces of the various answers proposed are to be found in philosophy and anthropology even at the present day. Whether legal order arises at the dictation of an irresistible necessity out of the 'struggle for existence,' a struggle which Hobbes characterised so vividly in his *homo homini lupus*; or whether, conversely, the conflict of selfish interests results from the debasing of an original purity of life and conduct: these were the questions to which the older theory of society confined discussion, as if no middle ground could possibly be taken between the two extremes. And yet the one incontestable fact in this field of uncertainty and conjecture is that however far back we push historical inquiry, and however low the stage of civilisation that we choose for observation, mankind appears always and everywhere as subject to the same good and evil impulses which constitute to-day the sources of its happiness and misery. In fact, the question whether there was ever a race of solitaries is, if anything, less possible of discussion than the question

whether men have existed without language and without religion. For although the animals certainly lack language, in our sense of the term, and also, so far as we know, religious feelings and ideas, the forms of social combination and the exhibitions of love and hate connected with them extend almost as far back in the scale of organic nature as the simplest manifestations of sensation and will.

A consideration of the facts of the moral life must, therefore, take account of the relationship which here obtains between man and the animals. We must admit, without reservation, that the simplest feelings and impulses of the animals and of man are essentially the same, and, consequently, must not hesitate to recognise in certain phenomena of the social life of animals the anticipation of those aspects of our own morality which are dependent on the forms of human society. The old question of the origin of moral government is thus, in a manner, transferred from anthropology to zoology. Its discussion, so far as it can be discussed at all, will therefore consist simply in the indication of the natural conditions under which associations based on common impulses came to be made among creatures of the same kind, long before the advent of civilisation and the intellectual growth which civilisation implies.

If this preliminary biological survey were of no further use, it would be of distinct service from a methodological point of view. For animal associations, however far they lie below the very most primitive forms of human society, have this much at least in common with it, that they subserve the attainment of certain *ends*, valuable for the life either of all or, at any rate, of the majority of the individuals associated. Now a natural mistake to make in cases of this kind, and a mistake which as a matter of fact is ordinarily the first to be made, is the confusion of *end*

attained with its efficient cause (here, more specifically, the *motive* underlying the actions consciously executed). And there are so many arrangements within our own social system, which have indubitably originated from reflection on the ends to be achieved by them, that a refutation of the error as it affects theories of human society is exceedingly difficult, and to the popular mind perhaps never entirely convincing. With the animals it is different. The discrepancy between the effect actually produced and the reflection which would be necessary for its purposed and intentional production is too great to allow of the persistence of the mistake even in popular opinion. Fortunately, too, it is just the simplest and most widespread of the animal impulses that give clearest evidence of the impossibility of any such conscious weighing of ends. Everyone admits, in a general way, that the animals, like ourselves, take nourishment not for the sake of repairing the loss of bodily vigour and gathering new force for future labour, but simply because hunger is a disagreeable and satiety an agreeable feeling. When we come to the social impulses of animals, the phenomena and their conditions are both alike apt to be of a more complex order; but our attitude towards them must remain the same. Migratory birds do not go in flocks because they know that they are in this way less liable to stray from their course or to be attacked by enemies; and ants and bees do not nest and hive in common because of a conviction that they can never attain in isolation the ends that must be fulfilled by all if they are to live. These things are the result of certain *impulses* that bind the individuals together, whether temporarily (as with the migrants) or permanently (as with the ants and bees); and though we cannot fully grasp the psychical nature of such impulses—seeing that we cannot transport ourselves

into the consciousness of an entirely different creature—we may at any rate affirm without hesitation that they no more arose from reflection upon their physiological purpose than did the impulses of eating and drinking.

The question how the fundamental animal impulses, the impulses which form the inalienable natural foundation of human society as well as of animal association, first originated, is a question which we shall in all probability never be able to answer. We may conjecture that two primary organic impulses, the nutritive and the sexual, have furnished the principal points of departure for evolutionary divergence. First of all, the purposes subserved by them have grown increasingly more complex; and secondly, in virtue of the psychological law of the reaction of effect upon cause, the animals which possess them have become more and more highly organised. There can be little doubt that intelligence has played its part in the total process, even among the animals. Its effects are, however, largely incomprehensible, for the reason that the facts before us are simply the *results* of an immeasurable evolution, the course of which can at best be inferred only from the faint traces that remain of it in the graded series of habits displayed by nearly related animals<sup>1</sup>.

But when we pass beyond this point of ultimate agreement between man and the animals, we are reminded at once of the immense difference that obtains between them. Both derive their habits of life, individual and social alike, in large proportion from previous generations. But the animal's inheritance consists solely in the *physical effects* produced upon individual organisation by the development of the race; while that of man, at any rate in great measure, has been further preserved in the form of *conscious tradition*. Man alone is conscious of his connection with the past.

<sup>1</sup> Cf. on this point my *Physiol. Psychologie*, 3 Aufl., II, pp. 411 ff.

The animal consciousness is continuous, as a general rule, only from moment to moment, in any case its continuity is confined to the limits of the individual life. The continuity of the human consciousness, even at its lowest level, embraces at least the tradition of several generations; while at the highest stage it transcends the limitations even of national individuality, and rises to the conception of a connected development of the whole human race.

It is this conscious connection with the past, and its correlate of an outlook upon the farther future beyond the individual life, which give human society its distinctive character. When an animal follows the laws that have determined the differentiation of impulses within its species, it does so at the best of definite conscious motives; but it is subject at the same time to a mechanical constraint which allows of but very little deviation from those laws. In the case of man, on the other hand, there are two principal factors at work to make both individual and social life immeasurably richer and more complex. The one is to be found in the freer exercise of the *will*, the other in that comprehensive *prevision*, that consideration of past and future in their bearings upon the present, of which man alone is capable.

It is the presence of these two factors in human life which justifies our speaking of *custom* as a purely human phenomenon. A custom is any norm of *voluntary* action that has been developed in a national or tribal community. However rigorously individual conduct may be prescribed by custom, one is still left free to obey or disobey, as one chooses. In animal instinct, on the other hand, the *will* is always determined by unequivocal, simple motives, so that freedom of choice either does not exist at all or is confined to the narrowest circle of individual habit. Hence, while *habit* is common to man with the animals, custom is an exclusively

human prerogative. And it is custom, too, that transfers the principle of freedom, which in the animal consciousness does not extend beyond the realm of habit, to the general consciousness of society. This is, however, the natural result of the extension of consciousness beyond the limits of the individual life. Custom and instinct are both alike the outgrowth of individual habits. But while instinct sums up the habits of countless generations in the form of mechanised and therefore unconscious movements, in custom the settled habits of the human race and of its subdivisions still retain the character of consciously operative motives. Instinct is habitual conduct that has become *mechanical*; custom, habitual conduct that has become *generic*. In instinct, habits that were originally conscious have become transformed into an unconscious activity, in custom, habits and their motives have passed over together into a more general consciousness. The change of mental into mechanical is not, of course, confined to the animals. There are human instincts as well as animal, especially in the domain of habit. But the development of custom presupposes *history*,—not in the mechanical sense of a means of holding events together that is foreign to and outside of the events themselves, but in the more original meaning of a series of events that is conscious of its own connection. The line of division between man and the animals is drawn on the side of *consciousness* by the *connection of individual with general thought*, just as it is drawn on the side of *will* by the *plurality of motives* and the *freedom of choice* that goes with it.

In spite of these essential differences, however, animal instincts form the analogues of human custom both in origin and in result. To this we may add the fact that the general contents of the purposes subserved are the same for both. There are *individual* and *social* instincts. The former, based upon the nutritive impulse, the most widespread and per-

sistent of all the organic impulses, are directed upon the preservation and protection of the individual. The social instincts, controlled for the most part by the sexual impulse, are directed upon the protection and maintenance of the race; though the pursuance of this aim naturally leads to all sorts of reactive influences upon the individual life,—influences usually beneficial, but sometimes disturbing. Custom, in the same way, while always a common norm of conduct, aims at both individual and social ends. It, too, in the last resort, is based upon the need of protection felt by larger or smaller groups within society; and the same need keeps it alive, though generally in altered form, after its original purpose has ceased to be. But the ends subserved by custom have come to a much more varied growth than those of instinct. Keeping steady pace with the intellectualisation of the life-history of the race, they have gradually absorbed the entire contents even of the higher ends of human living. Indeed, after the most inalienable ends of the individual and of the community are brought under the rule of *law*, the more constraining norm of life that has slowly emerged from custom, it is principally the freer and more purely intellectual interests of life that fall beneath the dominance of custom proper.

It is natural to suppose that the same need of protection which is satisfied by custom, and which, at least in many cases, has been effectual in preserving custom, is also the cause of its origination. Our way of eating and dressing, however widely it may differ from the primitive mode, is still, upon the whole, that best adapted for the satisfaction of our present needs. So with examples taken from the less material side of custom: the garb of mourning, the robes of the priest and of the judge,—good manners, courtesy in our daily intercourse, even the often burdensome forms of etiquette,—assure the individual or the community an effectual protection against manifestations of coarseness and selfish brutality.

Looking at these things, we may well imagine that need of the protection which custom furnishes occasioned the origin of all the different customs. In reality, however, it is here that the remark which we made just now in speaking of the analogy between instinct and custom (p. 128) finds its most striking application. Fulfilment of purpose, however complete, does not insure the identity of purpose and motive. And the history of custom forms one of the most remarkable illustrations of an original incongruity between the two. History shows that almost all, and especially all the more significant forms of life have their root in *religious* motives that have disappeared from the consciousness of a later age, and thus teaches that man's self-education in custom and morality begins with the development of religious worship.

### (b) *The Religious Origin of Custom.*

Wherever it is possible to trace a custom at all far back on the road to its origin, we are led to ideas that are as a rule radically different from the later motives. In the great majority of cases, *religious* ideas appear to constitute the primary sources from which custom has been derived. Custom, *i.e.*, was at first an act of *worship*, and so owes its obligatory power partly to the universality of religious ceremonial and partly to the important place that ritual holds in general estimation by reason of its supposed influence on the favour or disfavour of the gods.

This connection with religious worship is almost always forgotten in the later stages of custom. Among civilised peoples it is preserved, if at all, merely in certain faint suggestions, which can oftentimes be fully understood only by comparison with the more vivid originals. And even among the lowest of primitive races we ordinarily find habits of life, divorced from their religious origin, and therefore incomprehensible to those who practise them, persisting alongside

of the actual forms of religious ceremonial. At the same time, however, we come upon a second factor, which is of extreme importance, especially for the *preservation* of custom. While its original significance is fading away, the action that has grown habitual by repetition creates a new *purpose* for itself,—a purpose of which the agent is not always distinctly conscious, but which nevertheless is strong enough to determine the further changes of the custom, and, under certain circumstances, its final decay. So that if we approach the subject from the genetic standpoint, most of the customs that obtain even among the civilised peoples of the present day prove to be *survivals of older ceremonial acts*, whose original purposes have been forgotten, and which have consequently been pressed into the service of new ends. Since these new ends may themselves be changed, the contents of custom is continually shifting, despite all its constancy of form. Just as the same word may convey entirely different meanings at different periods in the history of a language, so custom, however conservative in mode of outward manifestation, is in purpose undergoing perpetual readjustment to the immediate needs of the time.

Since the tracing back of every separate custom to its original significance is, for the present at any rate, a matter of impossibility, there must be many cases where a religious origin can only be more or less probably conjectured. Moreover, it is indubitable that certain customs have their source in traditions of a different order. Ancient rules of *law*, *e.g.*, are not infrequently perpetuated in usages whose original meaning has long ceased to be understood. All over the world we find marriage ceremonies, many of them more playful than serious, that remind us of the primal forms of marriage—robbery and purchase. Other customs, like the Greek and Roman tradition that the mothers of bride and bridegroom should bring the newly-married pair together, suggest a very

ancient and once widely prevalent law of inheritance and property, which gave the mother, and not the father, the first claim upon the children. But while we may admit that custom had its original roots in all the departments of life, as it pervades and penetrates them all, we must not forget that in the primitive state of human society, from which the development of most customary usages dates its first beginning, these various departments of life were still entirely undifferentiated; and more especially that the whole of life, the commonest needs and habits of living included, was permeated through and through by religious ideas. Every action of any importance is originally, whatever else it may be, a *religious* action; and the norms of conduct, which a man feels to be binding upon him in the more serious moments of his life, are soon applied to all the unimportant actions that at all resemble the more critical. Just as the images of the gods pass from temple to dwelling house, so is prayer transferred from the sacrificial feast to the daily meal. And the tradition mentioned just now, that the mother shall conduct the bride to the husband appointed for her, finds its religious setting in the fact that the wife was the priestess of the house: the protection of the hearth was assigned in the ancient world to a goddess, not to a god. It may be, then, that the wife owes her position as mistress of the house in the first instance to her priestly office.

There are, it is true, many cases in which a custom that has lost its first significance is not made to subserve any novel purpose of at all serious character. Some of the marriage customs referred to above, *e.g.*, the mock struggle of the bridegroom with the relatives of the bride, still current in civilised communities, are illustrations of this fact. But although apparent exceptions to our rule, such cases furnish remarkable evidence of the tenacity of existence exhibited by customs that are supported by generations of observance.

Indeed, it might be doubted whether the life of a custom is better assured by its accordance with a new purpose or by its own inherent tendency to continue in existence.

Customs that have survived independently of all aim or purpose are of no further significance for the moral life. They are the decaying remnants of a long forgotten civilisation; and if they satisfy any modern need, it is merely the need of amusement. But so far as they do fulfil *any* need they are answering a purpose, and thus come under the rule that customs which have lost their original usefulness owe their preservation to their utility for some new end. At the same time, we find that linguistic usage emphasises the connection between morality and custom (*Sittliche, Sitte*: p. 24) in generally reserving the name of 'custom' (*Sitte*) for those habits of living that are immediately related to the moral life. The relation need not necessarily be one of amity, however. Cannibalism and wife-stealing, *e.g.*, are accounted customs (*Sitten*), although no one would maintain that their influence upon morality was anything but prejudicial. And a 'bad' custom is still a custom, so long as the character of an obligatory rule attaches to it. Purposelessness cannot of itself, then, reduce the usages and amusements that have become meaningless from the rank of customs, but only that absence of obligatory power which follows from the absence of an at all serious purpose. To a certain degree, of course, the power of habit can replace that of purpose. But in that case the usage, however meaningless it has become, tends again to assume the character of a custom.<sup>1</sup>

<sup>1</sup> It has been remarked by VON JHERING (*Zweck im Recht*, II. p. 23) that language shows a tendency to reserve the singular form 'Sitte' for good customs, while the plural 'Sitten' is used indifferently for good and bad customs alike. The statement is probably correct, with the limitation that the singular 'Sitte' is the collective term for all the customs (*Sitten*) recognised in a society. *cf.* the negative form *Unsitte*, by which a particular custom (*Sitte*) may be singled out

The customs of modern civilisation are so far removed from their religious origin that religion and custom now seem to be two entirely different matters. The division has been furthered by the same process that led to the gradual separation of ideas of law from the sphere of custom proper, and left to custom only the survivals of legal practice that have come down from remote times. The place that the mere *idea* of obligation held in the general consciousness has been taken by the obligatory norm of *law*. Now law differs from custom in enforcing the duty which it enjoins by definite penalties inflicted for its non-observance. It is true that this enforcement has been relaxed, in part at any rate, in the sphere of its earliest operation, the sphere of religious obligations. Nevertheless, its introduction marks a critical point in history. For thenceforth the commandments of religion and the acts which proceed from obedience to them are excluded from the realm of custom proper. Religion promises reward for faith and punishment for want of faith, first in this world and afterwards in the next; and its commandments constitute accordingly a peculiar province of law, even though no civil power may come to their support by punishing cases of disobedience. Indeed, it might be said that the specific character of *religious* law is clearly brought out just in proportion as the punitive power of the church ceases to be external, and is confined to a control of heart and conscience. The first step in this direction is taken with the transfer of reward and punishment to the realm of future hopes and fears, from

from custom (*Sitte*) proper, and actually set over against it as its opposite. This application of the collective term 'Sitte' in the sense of the Roman *boni mores* is evidently one of those reactionary changes of meaning of which language affords so many instances. After 'Sittlichkeit' has been derived from 'Sitte,' 'Sitte' is used in the sense of the derivative, in accordance with the idea—easily enough read into the derivation, but not natural to it—that a man's moral (*sittlich*) attitude finds expression in his 'Sitte.'—*Cf.* chap. 1., p. 24.

which, while selfish interest predominates, religion looks to receive the greatest aid in enforcing obedience to her commands.

*(c) The Changes of Purpose in Custom.*

While the religious norms themselves are permanently removed from the dominance of custom, its hold upon those rudiments of earlier acts of worship which it has either pressed into the service of new ends or handed on without regard to purpose—except, perhaps, the purpose of amusement—grows stronger and stronger. Every phase of our modern life is thus permeated with usages that have survived from long forgotten cults, and which in their power to adapt themselves to the new thoughts that come with changed conditions of life seem to repeat in the mental realm, only in infinitely greater variety, the capacity for transformation exhibited in the organic world. Among them, too, are many fossilised forms, the petrified remains of once living actions, which owe their preservation simply and solely to that *vis inertiae* which is as characteristic of our ideas as it is of material bodies. Now if we consider the bare results of these transformations, without reference to their historical past, we may easily be misled into looking for their explanation within the circle of our present experience, and substituting the aims which they do or might subserve to-day for the true causes of their origination. But in doing this we should be forgetting a law that is of the very highest importance in all mental, but more especially in moral development: the law that mankind is prepared for the adoption of new ends of life by modes of conduct already existent, but primarily adapted to other ends. Here, again, the change of significance in words furnishes an instance of an analogous process which will be most useful to us. The formation of a new idea is greatly facilitated—sometimes,

perhaps, only becomes possible—when the thought finds its appropriate word already present in language, and needing no more than a slight shift of meaning to meet the demands now laid upon it. Custom, however, need not by any means always be good custom; so that the habits and usages which have become estranged from their first significance may be taken possession of by indifferent, or even by immoral purposes. The tendency of custom to live on in new forms after the decay of its original contents paves the way for the origination of the most varied purposes. And if, in the last resort, it is a *moral* development that secures the greatest advantages from this law of persistence in the midst of change, credit is not therefore to be given to the law, but only to the forces of which that moral development is the expression.

It will be our aim in what follows to select from the wealth of material afforded by the history of custom the principal cases in which the effects of the transformation of a custom have proved to be ethically valuable. We may begin, therefore, by giving here a few illustrations of the process of transformation itself. These are chosen intentionally from among habits of life that are ethically indifferent; while within this field selection is governed by the distance separating the present purpose of the usage from that which it originally subserved.

(1) A custom common to almost all civilised peoples, and yet entirely repugnant to a finer moral sense, is that of the funeral banquet. It has been explained by the hypothesis that the survivors of the dead man, wishing to attract a large train of mourners, offered a feast to all who attended the funeral, as a compensation for their trouble in coming. At first given voluntarily, this was afterwards demanded by the company, so that the custom was kept alive, long after its original motive had died out, by the

selfishness of the indifferent participants in the funeral ceremony. In this way an observance that originated in the voluntary act of an individual has passed into a duty whose fulfilment is demanded by the community, and which is exceedingly burdensome to the first originator of the custom, the true mourner.<sup>1</sup> Now it is not improbable that this explanation really lays its finger on the motives which have contributed in many societies to the preservation of the usage; although it would seem that where the members of the funeral train are anxious to obtain their share of the funeral 'baked meats,' there must be not a few among the mourners proper whose sorrow can be mitigated by the thought of a sumptuous repast to follow. For where the funeral feast has survived, it is for the most part confined to the well-to-do classes of the community. The rich peasant is keenly conscious that the greatness of his possessions will be measured by the scale of his funeral preparations. But however much or little probability the explanation may have when we look at the custom from the modern point of view, it most assuredly does not touch the question of *origin*. A custom of this kind, so widely disseminated among peoples both primitive and civilised that it seems to be one of the earliest habitual usages of mankind in all parts of the world, could not possibly have originated in considerations which, while intelligible enough under certain circumstances, are applicable only to special and particular conditions. If we trace the funeral feast to its original and more living forms, we find it closely connected with other acts of religious ritual. It forms an essential element in the *worship of the dead*. In German villages to-day the funeral feast has become a secular observance, standing quite apart from the religious usages of the burial ceremony; but for our forefathers the case was very different. The

<sup>1</sup> JHLRING, *Zweck im Recht*, II. p. 244

dead man himself was given food and drink, as well as arms and ornaments; and the funeral banquet was held by the survivors at the place of burial, as it still is among many primitive races.

There are originally, then, two motives that concur to establish this custom. In its earliest form the funeral feast is a sacrificial feast. Primitive man offers sacrifice to the gods at every important occasion of his life, and will very certainly make an offering at the burial of a kinsman. In part he desires to obtain the divine favour for his dead; but in part—and this is probably the more ancient idea of the two—the dead man is himself an object of worship. The souls of the dead hover over the dwellings of the living, whether to injure or to protect their inmates; so that acts which symbolise adoration or propitiation of the dead always play an important part in primitive worship. A second motive, which came into operation at a later date, but may gradually have ousted the original worship of the dead, lies in the symbolic meaning of a feast eaten *in common*. The common enjoyment of meat and drink is for primitive man a religious symbol of brotherhood, more especially if the feast have anything of solemnity about it, if it be sanctioned, so to speak, by the presence of the gods. The desire to share the last meal with the dead, to partake oneself of the food given him for his journey to the other world, springs, therefore, from a feeling of piety akin to that which impels primitive man to eat of the animal that he has sacrificed to the gods.

It is this final form of the funeral feast whose traces have been longest preserved. With its passage from a sensible to a symbolic meaning, it has gradually lost its religious reference. The funeral feast, that is, becomes simply a *commemorative* feast, at which mention is made in conversation and discourse of the virtues of the dead. Thus after the battle of Chaeronea the parents and brothers of the

slain assembled at the house of Demosthenes to celebrate a solemn feast. There is nothing inherently improbable in the thought that the sense of piety which led the educated Greek of the Attic period thus to celebrate the memory of his dead should have left its traces in the funeral feast of the present day. As a matter of fact, that is not the case; the custom is, to modern feeling, one best honoured in the breach. The reason may be sought, in part at any rate, in the disfavour which Christianity has shown to the old Germanic funeral banquet, as to so many other of the practices of heathendom. When a custom once lapses into disesteem, it easily falls a prey to impure motives, in obedience to the rule, common enough in such cases, that the effect reacts upon its cause.

(2) A similar instance of a custom that has become practically meaningless, though not advanced quite so far on its downward course, is that of *toasting*, the drinking of healths. In origin it is connected with the custom of the funeral feast: the one goes back to the food-offering, the other to the drink-offering, of primitive times. That one man should drink with another was regarded by our forefathers as a more sacred symbol of brotherhood even than the sitting together at meat. This belief was derived, in part, from the impression made by the stimulating effect of the wine, mead, etc., whose intoxicating properties have led to their choice by all peoples at all times for ceremonial purposes. In part, however, the idea of the inspiriting draught is associated with that of the blood, universally considered by primitive man to be the seat of the vital forces. He who drinks the blood of an enemy takes to himself the dead man's strength; he who exchanges a drop of blood with a friend becomes thereby his blood-relation, as if a son of the same mother. Even at the present day the Indian and the Negro conclude the bond of blood-brotherhood by this

custom of exchange. But as the age grew milder, the symbolism of a draught from the same cup took the place of the original ceremony, though much of the old significance was lost with the disappearance of the impressive blood-rite. Soon the draught of brotherhood extended its range beyond the individual ; it became an emblem of the union of host and invited guests, the cup travelling from hand to hand at the common meal. So the symbol reduces, first of all, to a simple sign of friendship, and finally comes to be a mere expression of social attention. When the cup ceased to pass from mouth to mouth, and the greater luxury of the time gave each guest his own drinking glass, the common draught from the same bowl was indicated by the touching of glasses, and the draught of brotherhood between two comrades had degenerated into the modern toast. There can be no doubt that when these usages first originated the memory of the more living forms which they displaced was still present in some degree. To-day the custom is entirely divorced from its origin, and the only character which it has in common with the blood-draught is the general feeling of good fellowship. Nor is there any reason why even this motive, which still has in it something of the motives of the original custom, should not in its turn be ousted by some entirely foreign purpose. Indeed, there are cases in which the substitution has actually taken place : as we see, e.g., when the Asiatic despot causes his cupbearer to drink first from the proffered cup, to assure himself against poison ; or when he himself tastes the cup presented to his guest in order to relieve him of a like anxiety. And it may be, perhaps, that this purpose comes nearer to our present point of view than the long-forgotten ceremony of the common drink-offering and the pact of blood-brotherhood ; so that if we are looking for the cause of these world-old usages among the purposes that seem possible to us to-day, we shall probably turn our

thoughts in the first instance to this very example of the suspicious tyrant<sup>1</sup> Nevertheless, there is but little likelihood that the custom, as it exists at the present time, is derived from any such abnormal offshoot of the original usage. It has come down in the direct line of descent; and remote as it is from its original in other respects, still shows its lineage in the similarity of the feelings which it expresses.

(3) There is yet another custom, widely different in its present form from that just discussed, which probably takes its origin from the same source. the custom of the servant's fee or *pourboire* (*Trinkgeld*) Just as our ancestors looked upon the festal draught from a single cup as a token of peace and friendship, so they made the food offered to the entering guest a sign of welcome. Sometimes it is a proffered draught, sometimes bread and salt,—emblems of food in general,—which give the stranger his unspoken invitation to sit at table with the members of the household. But in a primitive age table companionship is equivalent to companionship in sacrifice. Injury to the guest-friend, whose person is made sacred by a sacrificial bond, concluded as it were in the very presence of the gods, is counted as a great offence against the gods themselves. Here, too, the symbolic significance of the custom probably arose out of an original sensible meaning, attaching to the draught shared by welcoming host and welcomed guest, and here, too, first the sensible and then the symbolic meaning have gradually died out. But in proportion as the usage lost its original purpose did it adapt itself to the service of new ends: the first stage in the process being the transformation of what was once only secondary into the chief purpose. The drink proffered for the refreshment of the new-come guest appealed to a later age neither as religious symbol nor as token of protection; the offer was an act of humanity to a stranger, an act of

<sup>1</sup> As JHERING has done, *op. cit.*, p 248.

kindly attention to a friend, for which a return was expected by the giver under like circumstances. The custom persisted in this form until comparatively recent times. Indeed, its continuance is necessary here and there, under certain of the simpler conditions of country life, even at the present day. If the friend has to travel a long distance to make his visit, his refreshment by food and drink becomes a necessity. If the befriended houses are less far apart, the entertainment is given, now and again, merely as an act of friendship. And the material character of the refreshment changes correspondingly, until at last it reduces once more to the simple draught, —the draught which was so highly prized by our forefathers, and of which the guest always felt called upon to partake. Lastly, when the business of a town life makes the entertainment of the visitor a more and more unwelcome burden both to giver and to receiver, the offering of a draught is made only to the workman who needs its stimulation for his work, or to the friend's servant sent with a message, to whom one cannot suggest payment, but whom one wishes in some way to recompense for his trouble, etc., etc. But even this final metamorphosis of the ancient symbol of hospitality and friendship at last disappears, under stress of the constant occupation of a city life. The draught is replaced by a present of money, with which the workman or messenger can buy its equivalent; or, if he is a temperate and careful man, something more useful in its stead. So arose the custom of giving 'drink-money.' There is in it no thought at all of that relationship of host and guest so prominent in the older usage with whose decay it came into being. It is applied, without restriction, to all possible relations where compensation is to be made for service rendered, but the amount of compensation is left to the judgment of the giver. This half-way position between wage and gift naturally limits the giving of drink-money to a certain group

of cases; it can be practised, *e.g.*, only where the recipient belongs to a lower social class than the donor. To offer drink-money to an equal would be to offer an insult. It is this emphasis upon social inequality, inherent in the giving of drink-money, that constitutes its bad moral effect, justly emphasised by Jhering<sup>1</sup> It is one of the ethically most important features of refined customs, of 'good manners,' that they aim at a total disregard of the external differences in social position, while, conversely, every custom that makes one's social inferior feel his inferiority must injure his self-respect, and so does violence to morality. The giving of drink-money is thus a remarkable instance of a custom whose original significance has changed into its direct opposite. It has passed from a symbol of friendship to an expression of the subordination of servant to master. Usage, it is true, has set up standards of practice, transforming the gift into a fee whose minimal limit is fixed by the constraining power of custom, while only the maximum depends upon the will of the individual. But this last uncertainty remains to stamp the present made with the double character of wage and of free gift, if not of charity pure and simple.

There is, too, yet another regard in which the original custom has here been transformed into its opposite. Whereas the draught was formerly presented by the host to the guest, it is now, on the contrary, the servant of the host—*e.g.*, the waiter handing the glass—who receives the drink-money. In view of all these changes, it is not surprising that some authorities, judging from the present significance of drink-money, have declared it to be a degenerate sub-form of wage, and so traced it to an original free gift on the part of individuals, the bestowal of which has gradually become an

<sup>1</sup> JHERING, *Zweck im Recht*, II. pp. 251, 284, and WESTERMANN's *Monatshefte*, April, 1882.

universal habit<sup>1</sup> But surely the very word 'drink-money' points us unmistakably to the original custom of the proffered draught, whose place the peculiar 'sub-form of wage' has subsequently taken<sup>2</sup>

Enough examples have now been adduced to show, in general, how ancient ceremonial acts have become transformed into customs of wholly different contents. Further evidence of the process, and evidence that bears more directly upon ethics, will be given later on, when we come to discuss the principal forms of life, individual and social, that stand under the protection of custom. But even if we take it as proven—and it is obvious that the proof can never be anything more than approximative—that all customs which have an historical past of any extent behind them go back to this religious root, it still remains an entirely open question whether we have in religion their really ultimate and primary source. For the worship of the gods must itself have been developed out of something, out of some preceding conditions. And if there ever was a time when mankind lived without religion and without worship, even then they must have had certain common habits of living. Might not, then, these same habits have been the determining influence that shaped the first beginnings of religious worship? This would simply mean that usages which had already become universal, under stress

<sup>1</sup> JHERING, *op. cit.*, p. 246.

<sup>2</sup> Under the simpler conditions of country life the proffered draught is still found, not infrequently, as the peculiar reward of the messenger *e.g.*, of the errand boy who delivers a piece of goods from the merchant, or of the carter who brings the winter's supply of wood. In Switzerland, as I have myself observed, the custom persists in this form even in the cities. In one respect, however, the changed habits of life have made their influence felt, the messenger occasionally demands drink-money after he has had the draught itself. An interesting combination of the original custom and its later substitute, which shows that the origin of an usage, though still indicated in its name, may entirely lapse from memory even where it is practised in its primitive form. To be sure, the interest of the recipient may have contributed something to this largefulness in the present instance.

of some of the external needs of life, now received a religious sanction, and took on a more definite and conscious form. That very general custom, *eg*, which regards the stranger within one's gates as safeguarded from every sort of injury, might have arisen at the constraining hest of necessity, and its origin have been masked by the religious significance that it obtained under the influence of the gradual diffusion of religious worship.

We do, in fact, find that this view is held by many investigators of the history of civilisation and of religion. Thus the custom of infanticide, which still prevails among some of the savage tribes of Australia and Oceania, has been derived from the need of adapting the number of the population to the given supply of food; to which is added, as a secondary motive, the desire of certain women to be relieved of the first duties of motherhood. The idea which underlies all cannibalism, that the soul of the dead is assimilated along with his flesh and blood, is then supposed to have led to the horrible custom of feasting upon the murdered children. Finally, when the sacrificial feast had come into being, the further idea would naturally arise that the gods should have their share of this as of other food, and so child-sacrifice would grow to be a part of religious worship.<sup>1</sup> It is surely unmistakable that the tendency to look for the origin of custom in motives which are operative to-day or which, at any rate, make the strongest appeal to the modern mind, is responsible for this theory of the origination of infanticide. The fact that the custom applies predominantly to first-born children, however,—even where we find it without any discoverable religious setting,—calls for a different explanation. If necessity gave the law, it would surely be the younger children that must suffer. We must rather have recourse to an idea which pervades all sacrificial

<sup>1</sup> LIPPERT, *Die Geschichte der Familie*, pp. 196 ff.

worship, the idea that the gift most pleasing to the gods is the gift most prized by man. It is with this in mind that the husbandman offers the first-fruits of his field, and the nomad the best portions of the kid that he has slain. If once the aim that sacrificial worship expresses, the endeavour to win the favour of heaven, had overcome the horror of the murder of one's own children, then the same motives which lead the worshipper to eat of his other sacrifices could bring him to devour the body of the child. At this point the further idea, of the assimilation of the soul together with the body, would naturally enter into the rite. And that, having entered, it might ultimately prove effective to secure the continuance of this most terrible form of cannibalism is a hypothesis which we can hardly term impossible in view of the similar metamorphoses of custom described just now. On the other hand, the theory that the practice is not the last outgrowth of a custom (as is indicated by the preference of the first-born), but the original form of it, cannot lay claim to any degree of probability at all, unless it can show, *e.g.*, that the devouring of the young brood is a widespread habit among the higher animals. We can hardly suppose that the impulse of mother-love which in the animals is strong enough to protect the young from the hunger of the parents is altogether wanting in man. The motives must have been strong indeed, more constraining even than the necessity of self-preservation, which could cause mankind to traverse the most powerful of the natural impulses. And there are, as experience shows, no motives that can cope with the influence of religious worship, and the superstitious ideas connected with it, upon the mind of primitive man. Of course, religious worship itself must have had an origin. But the time of that origination lies far beyond the reach of our present observation. Even the most primitive form of worship, the cult of the dead, leads us by way of the food

laid out for the dead man straight to the act of sacrifice. It is this primitiveness of religious worship—attested further by the earliest evidences of language—which makes it possible for the good custom, by which man raises himself and his mode of living above the level of the animals, and the bad custom, in which he sinks below them, to spring from one and the same source.<sup>1</sup>

But although religious worship—in part directly, and in part through the mediation of primitive ideas of law—is, in most instances, the ultimate source to which custom may be empirically referred, the result of the reference is simply to explain the nature of custom from one side or under one aspect,—the *genetic*. The idea of custom itself is not by any means fully explained. In its further development, custom may subserve the most diverse aims, far removed from any connection with religious worship, indeed, this process of transformation is one of the chief distinguishing marks of custom. Hence, behind all the change of motive and purpose, there must be certain constant and abiding characteristics which differentiate custom from the other forms of human activity that resemble it in the regularity of their recurrence. To determine them we must devote special attention (1) to the distinction between custom and *law* and *morality*; and (2) to that between custom and *habit* and *usage*.

#### *(d) The Relation of Custom to Law and Morality.*

Custom, in the sense in which it is ordinarily used to-day, means a norm of voluntary action that is valid for a national or tribal society without enforcement by express command or by punishment for nonconformity. It is true that custom finds its own means of compulsion. But these, like custom

<sup>1</sup> Cf. LIPPERT, *op. cit.*, pp. 171 ff., where another instance occurs of this reversal of what I believe to be the natural progress of custom, as related to religious worship.

itself, are never of the *obligatory* kind. They consist neither in subjective commandments like the moral laws, nor in objective menaces like the laws of the state. On the other hand, custom is related both to morality and to law; to morality, in having at its disposal a subjective, and to law, in having at its disposal an objective means of compulsion. The first consists in a natural dislike, closely akin to the imitative impulse, of making oneself conspicuously different from one's fellows; the second, in the social disadvantages—disparaging remarks or rough treatment—that follow upon any considerable deviation from the ordinary code of behaviour. The fear of seeming peculiar affects a weak nature as powerfully as a bad conscience could do; and the real injuries consequent upon non-observance of a custom may be more keenly felt than the penalties with which the law punishes actual crime.

The fact that custom possesses means of constraint, which it ruthlessly applies, enables us to understand how it is possible for a people to live in a state of comparatively good order without having any recourse to legislation, in our sense of the word. That is, as a matter of fact, approximately what we find in the earliest stages of civilisation: 'law and order' are upheld simply and solely by the coercive power of custom. It is true that, under these circumstances, the means of compulsion employed are always of a distinctly energetic character. Not mere personal disparagement, but actual injury to life and limb may result from a disregard of customary usage. The necessary consequence of such a state of affairs is that nonconformity in what would seem to us to be an extremely trivial matter may be punished every whit as severely as the most serious violation of social order. In other words, law and custom have not as yet been differentiated. Evidently, then, this distinction, when it is drawn, is drawn because of the growing need to divide up the great

body of customs into two separate departments: the one containing all norms of conduct upon whose observance a high value is set,—a value so high that in certain circumstances appeal is made for their maintenance to physical force,—and the other coveing the rules that may safely be entrusted to the gentler form of constraint afforded by the simple desire to do what others do, in order to share with them the approval of the community.

The older theories of society looked upon this development of law and order as a process of special creation; determinate laws were suddenly set up through the influence of powerful law-givers, and a conduct regulated by legal norms at once replaced the original unruliness. In modern times the theory has been considerably modified, and it is admitted that the looser bond of custom only gradually gave way to the firmer bond of law. But even as thus altered, the explanation squares better with the facts if we reverse its way of looking at them. It is not that custom was consolidated into law; but rather that custom, which originally held mankind by the strongest chains of external coercion, came to be differentiated into custom (as we know it) and law, and that thereafter measures of objective restraint are restricted to the enforcement of the legal norms, while custom keeps only the milder sanctions of imitation and the pressure of public opinion. But for a long time the rules alike of custom and of law are wholly dependent for their validity upon customary usage. The expressly formulated law—the law that is read to the people (*lex*), or, still more, the written law (*Vorschrift*, *prescription*)—is of much later origin. And even after it has come into being, it can but imperfectly represent the living law that governs a community, the law that is distinguished from mere custom solely by its use of physical force to secure obedience. Hence it is that the Romans included the store of unwritten law, upon which

legislation properly so called is constantly drawing, under the general term *mores*, thus emphasising the absence of that external promulgation which finds expression in the Latin term for law: *lex*, from *legere*, 'to read'. We can understand the point of view here taken when we remember that the observance of national customs was guarded in ancient Rome fully as strenuously as that of law itself. To us moderns, on the other hand, who find the constraint of custom less irksome because we allow a larger scope to individual freedom, the obligatory character of the legal norm appeals with much greater force. Hence, when we wish to stress the relationship that obtains between unwritten law and custom, we refer it to the character of habitual usage that is shared by both, and speak of the unwritten law as the law of use and wont, 'common' law.<sup>1</sup> Law in all its forms, however, common law as well as statute law, owes its preservation to the means of physical compulsion that are at its disposal. In saying, then, that the constraining power of custom rests not upon a physical, but upon a *moral* sanction, we bring it on the other hand into immediate connection with morality. Again, however, the resemblance is superficial only. It is not the contents of custom that can be termed moral: the analogy extends simply to a similarity in the means employed by custom (as distinct from law) and morality to secure their outward observance. These means are in both cases psychical, not physical, in nature. They consist for the most part in loss of social estimation, which boorishness or contravention of the prevailing social code must be expected to bring no less surely than positive immorality.

But while this subjective constraint may, on occasion, subserve the retention of a custom of *immoral* character, nevertheless, the similarity of the sanctions employed by morality and custom indicates, after all, a close connection

<sup>1</sup> Cf. JHERING, *Zweck im Recht*, II. pp. 52 ff.

between the contents of customary and moral norms. And, as a matter of fact, the original unity of custom and law is exactly paralleled by an unity of *custom* and *morality*. The custom of primitive times is the root both of law and of morals, as well as of 'custom' proper,—custom, *i.e.*, that is ethically indifferent. But the separation of the three is not by any means absolute. The original interconnection is still so far continued that custom takes both law and morality under its protection. Unlawful or immoral conduct is at the same time conduct that offends against custom. This phenomenon is a natural consequence of the original unity of them all: an unity which has left its traces in the equal dependence of Aristotle's ethos and Roman common law upon the idea of 'custom.' But as the sphere of custom is always wider than that of law or of morals, it necessarily happens that here and there rules of custom are laid down which conflict with moral laws, and perhaps even with legal obligations. Customs of this sort we name *Unsuite* (bad customs, immorality), and the term suggests at once the relation that holds between morality and custom. The bad custom is the custom that ought not to exist. The mark of immorality is branded upon its front; whereas custom in general does not possess a moral character in its own right. Custom includes norms of living that are moral and norms that are ethically indifferent; indeed, in the wider sense in which the bad custom counts as custom, it may (as we have seen) include norms that are actually immoral. If custom is a measure of the moral condition of a people, it owes its value to its moral and immoral elements alike—In any case, the differentiation of law and morality from the original body of custom is manifestly one of the most important facts of moral evolution; it is the expression of a refinement of ideas, which paves the way for the improvement of practical morality. The low level of morality in primitive society is

not due, as a rule, to a total absence of moral ideas, but to the inextricable confusion of morality with immoral practices.

In saying that custom, considered for itself, is equally receptive of moral, immoral and morally indifferent elements, we have also by implication said that the idea of custom is not capable of any but a *formal* definition. This formal character distinguishes it from the ideas of morality and of law, which are both possessed of definite material attributes, whose enumeration is one of the problems of ethics. On the other hand, its formal character brings the idea of custom into relation with two other ideas which are also of merely formal significance: those of *habit* and *usage*.

(e) *The Relation of Custom (Sitte) to Habit (Gewohnheit) and Usage (Brauch).*

Morality and law are offshoots from the original stock of custom. Custom itself, on the other hand, is included under the wider terms 'habit' and 'usage.' Widest of all is the idea of *habit*. Habit covers all and every form of voluntary action that, for whatever reason, we have made our own. In speaking of habit, therefore, we abstract entirely from the notion of *community* which is inherent in the other two ideas. Habit is an *individual* rule of conduct. If the acts of the individual accord with the habitual action of the community to which he belongs, habit becomes *usage*. Usage, that is, is *social* habit. When we talk without qualification of a man's habits, we mean the rules of life and behaviour that are peculiar to him as an individual personality. Usage, on the contrary, always implies a community, however widely or narrowly its limits may be conceived. There are family usages, 'local' usages, municipal usages, popular usages, but language knows nothing of an 'individual' usage.

Custom forms a smaller circle within this general field of usage. Custom is habit: it is marked by the regular recurrence of voluntary actions. Custom is usage: it is always the custom of some community. But it has, further, what usage lacks,—a *normative* character. Conformity to custom is not, like conformity to usage, a matter of individual choice, custom has the sanction of a *moral* constraint, which the individual cannot disregard without personal disadvantage. If the line of demarcation between custom and usage is not always easy to draw in the concrete case, that is because the attribute of universality, which raises usage above habit, necessarily carries with it a certain tendency towards the coercion of the individual. Hence in many cases it is only the greater or less degree of compulsion, or (what is ordinarily the same thing) the greater or less extension of the practice, that can guide us in discriminating between custom and usage. Custom is national, usage belongs to the family or district or town. For the wider the circle within which an habitual mode of conduct obtains, the greater is the constraint that it puts upon the individual will. While, therefore, individual habit is left absolutely and entirely to choice, provided only that it does not conflict with the more comprehensive rules of social conduct, usage exercises a *practical* compulsion through the example that it sets, and custom raises this compulsion to the dignity of a constraining norm.

The original meanings of words do not always bear any clear and definite relation to the meanings in which we use the words at the present day. The change of meaning that comes with age involves not only all sorts of expansion and contraction of the contents of an idea, but, sometimes at any rate, an actual exchange of significance between words. Thus Latin gets its word for habit, *consuetudo*, from the same root from which the German

*Sitte* (custom) is derived, while the Greek *ἔθος* contains both ideas, altogether undifferentiated.<sup>1</sup> At the same time, when once the differentiation has taken place, we can find traces, in the primary meanings which the specialised words represent, of the distinguishing attributes that attach to them in modern usage. *Gewohnheit* (habit, wont) is connected with *Wohnung* (dwelling), and, like *Wohnung*, goes back to a root whose meaning is still preserved in the word *Wonne* (delight). Just as a man orders his 'Wohnung' in accordance with his own will and pleasure, so is his 'Gewohnheit' the way in which he finds pleasure within the sphere of his individual life.<sup>2</sup>

Here, then, we have an indication both of the *subjectivity* and of the *arbitrariness* of custom, *i.e.*, of its independence of any constraining rule. *Brauch* (usage), on the other hand, which is connected with the verb *brauchen* (M H. G *bruchen*), is of the same origin as the Latin *fructus*. The usable (*brauchbar*) thing is the useful (*nutzlich*) thing. But usefulness is a more objective idea than pleasurableness. Everyone tries to do what is useful, profitable, and the simpler and more uniform the needs of life, the more uniform is the judgment as to what things are useful. Hence we have, *e.g.*, the idea of comrade (*Genoss*)=him who eats (*geniessen*) with us.<sup>3</sup> Following the same analogy, we may probably explain usage (*Brauch*) as an exercise in which all take part, because all alike deem it useful. Now among the very earliest

<sup>1</sup> The group of connected words, Skt. *svadha*, Goth *sidus*, Gk. *ἔθος*, Lat *suctus*, all express the general idea of habit (*Gewohnheit*), and hence, secondarily, the idea of custom (*Sitte*), in so far as custom is classed under habit. They are supposed to be derived from the pronominal stem *sva*, and the root *dha*, meaning 'to place,' 'to do.' *Sva-dha* would accordingly signify 'that which is made one's own,'—a sense which makes it equally applicable to the individual and to a community. Cf. CURTIUS, *Gr. Etym.* 5te Aufl., p. 251.

<sup>2</sup> *Wohnung* and *Wonne*, Goth *wunjan*, 'to be glad,' are derived from the I. E. root *wen* or *wan*, which has the same primary meaning. Cf. KLUGE, *Etymol. Wörterbuch der deutschen Sprache*, pp. 377, 378.

<sup>3</sup> 'Comrade' = by derivation 'chamber'-mate.]

usages are those usages of religious worship whereby man hopes to win the favour of his gods or to avert their anger. And here lies the point of transition from usage to custom. Whenever disregard of that which everyone deems useful threatens to bring injury upon all, the usage passes into statute (*Satzung*). It is established, once for all, that everyone *must* conform to it. In this way language brings custom (*Sitte*) into direct connection with law (*Gesetz*).

It is very tempting to transform this logical relation of the three ideas, habit, usage and custom, into a chronological succession. First of all, one might think, the individual habit finds its imitators. Then some utilitarian purpose which it happens to fulfil takes possession of it. And so it gradually takes on an obligatory character, whose stringency varies directly with its extension in space and time<sup>1</sup>. But evident as this psychological reconstruction may appear, we must none the less remember that the decision of the question rests not upon psychological possibility but upon historical fact. It is true that we cannot do without psychological interpretation in following the history of the development of custom. But it must always come after the historical reconstruction; it cannot precede or, what amounts to the same thing, take the place of history. Now there is, as a matter of fact, no single national custom of any considerable range or importance—none, *i.e.*, that really deserves the name of custom—where there is factual proof of a development from individual habits. We can

<sup>1</sup> Cf JHERING, *Zweck im Recht*, n pp 242 ff. This account of the origin of custom, which Jhering calls 'secondary,' is contrasted by him (p 244) with a 'primary' mode of origin which 'brings custom into the world as such, bearing upon it from the beginning the mark of a social obligation.' But he goes on at once to remark that the latter form is of no interest from the scientific point of view, and accordingly gives no further consideration to it. Nevertheless, as we have shown above, all the examples of 'secondary custom' which Jhering discusses take us back to 'primary' customs. Cf what was said of the funeral feast, toasting, and the *pourboire* (pp. 140 ff.).

never pierce beyond older forms of the same custom, though in certain circumstances these may differ very largely, in purpose and significance as well as in outward observance, from the custom that we know. The derivation of custom from individual habit is simply a fiction, analogous to the fictions of a first property-holder, or a first law-giver, or a first language-maker, which have been set up to explain the origin of property, of the state and of language. All these fictions spring from the desire, laudable enough in itself, to discover the ultimate reasons for the great products of the social mind in the individual human consciousness; but they are pressing their rule of procedure beyond what is warranted when they transform the undeniable fact that the individual is a *factor* in the general development into the assumption that he is its sole motor power. True, the individual must possess the root-capacity for everything which he and his fellows within the given society together bring to intellectual birth; but it is equally certain that the most important creations of the community,—language, myth, custom, law,—although influenced by the individual, can never be individually created. The special evidence of this in the case of custom lies in the fact that wherever we are able to trace a custom back to its more primitive forms, we are left with religious ideas and rude ideas of law, often intimately interconnected, as the earliest discoverable stage of the course of development.

Here, however, the objection may be raised that the attempt at an historical reconstruction of the origination of custom must inevitably lead beyond this limit of attainable fact, since it would be absurd to cut hypothesis short at a point that cannot possibly be regarded as the real starting-point of custom. However great the antiquity of a national custom, it must have originated at some time or other; and its *diffusion* among the community must have

preceded its general *acceptance*. But how can diffusion be effected unless by transmission from individual to individual, —the imitative impulse here playing the same part in great matters that it so often plays to-day in small? We may grant all that the argument demands, and yet refuse to admit that individual influence has anything more to say in the origin of custom than it has, *e.g.*, in the origin of language. Since language consists always in a *communication* of ideas, the original word-creation cannot have been the work of any *individual* inventor; it must have proceeded from a community of individuals, endowed with similar mental capacities and living under the same external conditions. So is it with custom, which, like language, is a mode of *common* conduct arising from community of ideas. One man may contribute one thing to a custom, and another another; but the custom as a whole is a *common creation*, which cannot be analysed into individual elements, for the simple reason that the various individual factors are all operative at one and the same time, and that it is consequently impossible for the individual to separate his own particular contribution from the contributions made by others. We do not deny, of course, that the influence of the greatest minds has always made itself felt in the history of custom. But we never find traces of it without also finding that it tends all the more surely to disappear in a mass of indistinguishable partial forces, the more remote the past to which our inquiry has carried us. No one doubts that Moses and Confucius and Buddha exerted an influence upon the development not only of religion and morality, but also of the outward form of custom in which morality is clothed, that extended far beyond the limits of their own age and time. But men of this range of power do not appear except at a highly developed stage of civilisation, and there is no evidence in the life of the less advanced peoples that could

lead us to attribute an equal significance to individual influence, even within a much narrower circle, in primitive society. Just as we see a general or 'typical' cast of features inhibiting, in savage tribes, the development of any physiognomic individuality, so we find that the individual will has but a very slight influence upon the general will of the community. For the first condition of personal influence is a degree of social freedom that allows individual views to grow and ripen. And freedom is wholly and absolutely an achievement of civilisation. Here too, therefore, the facts of history give us a picture which is diametrically opposed to the fictions of the theory. Only by slow degrees and in the course of ages do individual habits gain any freedom of range and scope as compared with the at first despotic rules of general custom, only by slow degrees does the individual come to have any extended influence upon custom. And after as before, custom always has a greater power of persistence than law or morality. The founders of religion and moral law-givers have not established *new* customs among men, but have simply moulded the already existent customs — whether directly or indirectly — by their influence on the *moral* ideas of their times.

But while we can nowhere lay our hand upon a custom that has originated from individual habits, the reverse process of development, from custom to usage and habit, is an undeniable fact. The whole of our modern civilisation is pervaded by usages that once were customs: customs that have become unintelligible, or have been divorced from their original significance and pressed into the service of other aims. These ancient customs survive in our daily habits of life, in children's games, in popular superstition; and before they quite die out, lose more and more of their original universality, until they come at least very near the limit at which usage passes over into mere habit. The

standard, and certainly the most frequent source of usage is to be looked for in decaying custom.

It is none the less true, however, that the other, ascending mode of origin—from habit to custom—is also possible. But the rules of life that originate in this way differ from the customs that have followed the normal process in being, for the most part, merely temporary in character. Linguistic usage accordingly distinguishes them, as *fashions*, from the customs and usages which are possessed of so much greater tenacity and persisting power. That I take off my hat when I greet an acquaintance is a matter of custom; that boys wear their hats to church at their first communion is a usage occurring here and there in different localities; but that a man wears a high hat or a broad-brimmed felt is a matter of fashion. Fashion naturally connects with custom and usage: thus it is a custom that we cover our heads in some way. But within the particular field that fashion has marked out for its own from the wide domain of custom, the largest scope is allowed to individual choice. A lady of rank or a tailor can invent a fashion; but the attack of the individual upon usage or custom rebounds harmlessly upon himself. Hence fashion is confined almost entirely to the purely external, easily changeable forms of life,—to clothing, or the way of setting the table, or the use of a fork for certain kinds of food, etc., etc. And there is another peculiarity that characterises this origin of fashion from individual habit: there is no long process of change, running its course without visible sign of volitional direction, as there is in the other metamorphoses of custom and usage, but an *intentional* creation, a sudden Minerva-birth of the full idea. Hence while custom and usage are in the highest degree conservative, fashion, the half-sister of usage, is proverbial for her fickleness.

*Habit*, again, may appear in two forms. As a general rule,

habit covers those expressions of individuality in the conduct of life which remain possible within the limits drawn by custom and usage. But it may also appear, though only exceptionally, as the last remnant of what was once an usage and is now confined to a very few individuals. Custom has, so far as we know, but one course of development, and that is from preceding customs of kindred contents. Usage, fashion and habits, on the other hand, constitute a mixed medley of new forms and relics of a long dead past. Transformation and new formation are here often enough difficult of discrimination, but there is no such thing as an entirely new custom. Of all these forms of life, therefore, custom is the most persistent. And yet custom itself is constantly changing; its existing forms are continually adapting themselves to new purposes, and in the course of adaptation undergoing a gradual and steady alteration.

Closely connected with the persistence of custom is the immutability of all that part of life to which it has reference. It is the *constant* needs and habits of life that are regulated by the norms of custom. Food and dwelling-place, the common life and intercourse of mankind in family and society,—these are the things which in the last analysis come under the rule of custom among all peoples and at all times. They are subject to change only with change in conditions of life or theories of living; and as this change is reflected in the forms of custom, custom is as truly a picture of the moral consciousness of the community as a man's habits are the expression of his individual character. Habits can constantly be formed anew, because new individuals, whose habits they are, are constantly coming into existence. But custom, national habit, endures while the nation endures. It changes so gradually that the alteration can never be observed *while* it is in progress, but only when it is viewed in historical retrospect, *i.e.*, when phases of the development that lie far

apart in time may be set side by side for purposes of comparison. And we must further remember that outward forms of conduct always possess a greater persisting power than the thoughts and feelings from which they originally sprang. Hence it is that we see so often, along with the adaptation of custom to new ends, the preservation of actions that have outlived their day and become wholly purposeless,—but out of which the voice of the past speaks to us all the more distinctly.

(f) *The Systematisation of Custom.*

Any attempt at a systematisation of custom must set out from the consideration of those permanent life-purposes which custom is called upon to subserve, under varying conditions, at the different periods of its development. From this point of view we may distinguish, first of all, *individual* and *social* forms of life. The former include all customs which make for the fulfilment of purely individual aims. Here the impulse of *self-preservation* is all-important. However dependent a man may be upon his fellow-men, upon the aid of the community in which he lives, for the satisfaction of his need of meat and drink, for the protection which he seeks to obtain by clothing and shelter from climate, from bad weather and from dangerous enemies, and for the performance and enjoyment of his work, this impulse is always the ultimate and most constant, although not the only motive to the customs that fall under our first heading. Midway between the individual and the social forms of life lie the forms of *intercourse*. Considered with regard to the objects concerned in them, these forms of life possess all the characteristics of the social customs proper, but their dominant aim is still individualistic. Thirdly, the social forms of life are those directed upon the furtherance of the purposes of the *race*, or, at least, upon the satisfaction of needs which arise only

when the union of a number of individuals is itself a part of the end to be obtained, and not simply a means for the attainment of individual ends. To this class belong the *family*, the *state*, and the organisation of society into definite *classes* and *associations*, held together by more or less permanent interests. The social forms of life also constitute the transition from the sphere of custom to that of *law*. Law is not only identical with custom in origin: it always retains its connection with those forms of society which were pre-figured in custom, and especially with that of the state. Finally, we have in the *humanistic* forms of life our last and most comprehensive category. We understand by 'humanistic' forms the customs which govern the behaviour of man to his fellow-men in its most general aspects,—the behaviour that is independent of any particular social connection, and proceeds from an ultimate similarity of mental attributes.

We thus obtain four different departments of custom, which can be distinguished as follows:

(1) In the *individual* forms of life, the *individual* is at once *subject* and *object* of the obligations which custom imposes. The primary motive that drives a man to seek meat and drink and shelter is the motive of self-preservation, even though he may be satisfying these needs of life in company with other men. And his desire for clothing and ornament is primarily a desire for the protection and adornment of his own person, however much it be determined by regard to other men's opinions.

(2) In the forms of *intercourse*, the *individual* is the *subject* and *society* (either as a whole, or in the persons of certain of its members) the *object* of the obligation. In the labour contract, *e.g.*, the individual performs a task for others, and the wage that he receives is, in turn, an obligation which these others discharge to him. The greeting with which we meet an acquaintance is the action of an individual; but we perform

it not for our own sakes, but for the sake of the other to whom we desire thereby to show our respect.

(3) In the *social* forms the *subject* of the obligation is a determinate *social group of individuals*, and the *object* again *society* itself, whether the same society which has the duty to perform, or a larger circle of which this is a subordinate part. Here the individual is only indirectly subject and object of the norms prescribed by custom, *i.e.* only in as far as he is himself a member of the social group to which the custom applies. The ultimate units with which these social customs are concerned, actively and passively alike, are, of course, always individual men. But since their effects, present and future, invariably extend beyond the circumscribed limits of individual interests, the reaction on the individual can be regarded at most as a *partial* end, never as their full purpose.

(4) In the *humanistic* forms of life, the *subjects* under obligation are either *individuals* or *groups* of individuals; the *object* of obligation is *humanity* at large, which may be represented in the concrete case by any individual man or social community. Thus we may perform an act of charity as individuals or as members of a civic community, or of a state, or of some humane society founded expressly for this purpose; and the act may equally well affect individuals, families, communities, etc., which do or do not belong to our own state, nation, etc.

The obvious fact that whatever form a custom may take, it is represented, in the last resort, by *individual* men, makes it impossible for us to draw any hard and fast line of distinction between class and class, as defined above. Primitive man builds his hut not only to protect himself, but also to protect those who belong to him. His meal is not seldom a public ceremony, a part of his religious ritual, or a festive celebration of events in the life of the community. The ornamentation of clothing owes its chief

value to the importance which it gives its wearer in the eyes of his fellows. On the other hand, the life of the family and the state receives its strongest support from the satisfaction that it promises to the impulses and needs of the individual. That the purpose of the social forms is not *fully* realised in these reactive effects upon the individual is a truth which can hardly take shape in the popular consciousness in the guise of clear knowledge, but which becomes all the more imperative and insistent in the guise of *feeling*. For we cannot doubt that the actions which the individual is capable of performing on behalf of his family or of the community to which he belongs, even in the earlier stages of civilisation, far transcend the narrow circle of his individual interests, more especially when we remember that the prudence and foresight, which see that actions performed for the sake of others serve in the long run most effectually to promote one's own interests, can arise only at a later stage of development, a stage of reflection, of which the primitive consciousness knows absolutely nothing. In this interaction of the individual and social forms of life, then, we have good evidence that morality develops far earlier in the form of moral *facts* than in the higher form of moral *ideas*. Now it is an universal law of moral facts, as the following investigation will show, that the individual forms of life, in which purely personal ends are involved, nevertheless contain the germs of social custom; they are manifested, from the very first, in what are intrinsically *social* ways. Since, then, the individual purpose is attained by a *combined* activity, it is natural that other aims become associated to it,—without any consciousness of the process on the part of the members of the community,—the object of which is not the individual, but the community itself. After this, the field covered by the custom that has thus transcended the interests of the individual simply grows larger and larger. Beginning with

the family and the tribe, it first of all extends to the nation, and then to the intercourse of nations, coming to a final end only when it touches the utmost limit that is reached by human custom and the relation of man to man: that *ideal* union of humanity, as such, which, though it *always* remains an ideal, humanistic custom is constantly striving to transform into reality.

## 2. THE INDIVIDUAL FORMS OF LIFE.

### (a) *Food.*

The impulse to seek food and drink, and the need of shelter, are shared by man, the first with all, and the second at least with very many of the animals. Nevertheless, the forms of life in which these impulses are exhibited are peculiarly characteristic of the human species. Where the original ends of the life habits are evidently one and the same for the animal and for man, the multiplication of ends and motives, which is so significant for the differentiation of custom from impulse in human evolution, is thrown into especially high relief. There is no animal that carries the search for food and the provision of shelter, whether for adults or for the growing young, beyond the limits of what is absolutely demanded by the needs of *nourishment* and *protection*. And, on the other hand, there is no race of men, however far down in the scale of development, that has not associated other ends, in part of widely differing contents, with the forms of life that minister to the fulfilment of these needs. True, even the highest degree of civilisation cannot do away with the identity of the ultimate conditions of living, so that the needs of nourishment and protection always remain the most imperative motives to the customary acts in which these impulses are displayed. None the less, habits of life are developed, and developed in equal number and variety,

in which what were at first secondary ends have now gained the upper hand. For this reason the forms of custom that are based upon the needs of nourishment and shelter form some of the most valuable pieces of evidence that we have to the development of its higher and more perfect forms. They constitute almost the only case in which we are able to compare the original motives with those superinduced at a later stage. At the same time it is to be noted that even here we hardly ever gain an opportunity at the present day really to observe the exclusive dominance of the primitive motives. This is a necessary consequence of the specifically human law of evolution: the law that all original impulses enter into the service of custom, and in so doing evince as great a capacity for development as is shown by the changes of meaning in words and the traditions of the myth,—phenomena, both of which are very closely related to the metamorphoses of custom.

Here, again, the transformation is dependent in very small degree upon accidental, external influences. It was rather that supreme governor of our impulses, necessity, which first pressed impulse into the service of custom. Human dentition is such that the only things fit for food, in the natural state, are soft fruits like the banana and bread-fruit and other tropical growths, and the marrow found in the bones of animals. But the diffusion of the race obliges mankind to take for food various other substances—the flesh of animals and a number of vegetable products—which become edible only by artificial preparation: the fruits by grinding or some similar method of artificial mastication, and the meats by boiling or roasting. Now the most important of these aids in the preparation of food is *fire*, and the difficulty of procuring fire had most to do, at this stage, in showing the necessity of common labour. The very oldest method of procuring fire, by the rubbing together of two pieces of wood

or the twisting of a stick thrust into a flat disc, involves a physical strain—more especially in a damp climate—which necessitates not only co-operation but also alternate labour and relief. Both are still preserved in the popular usages, whether game or superstition, in which the kindling of the beacon fire plays a part.<sup>1</sup> The toilsomeness of getting a fire after this primitive fashion made the continuance and watching of the fire one of the earliest and most important protective regulations, whose observance required, in its turn, a community and even a certain division of labour. Furthermore, the character of fire as a beneficent, and yet at times fatal and destructive element led to its early inclusion in the sphere of mythological thinking; and so the lighting and the guarding of the fire were regarded not merely as external acts, which ministered to the necessities of life, but as *religious* duties, in the discharge of which man came in contact with an embodiment of divine powers. Fire thus combined the characters of a deity and of an essential requirement of life. The kindling of it was both an indispensable labour and a religious ceremony. And the hearth which served for the preparation of food was the place where man offered sacrifice and presented his petitions to the gods.

The necessity of common preparation led, of itself, to a common consumption of the food prepared; and an inevitable result of this was the introduction of *fixed* meals at definite hours of the day. The Latin word for meal, *coena*, denotes literally 'what is common,' *kōmūnī*, *communis*. The German *Mahlzeit* emphasises not the spatial community of the meal, as the Latin word does, but its regular recurrence in *time*. As the word *Mahl* comes from the old German *Mal*, 'point of time' (a word which still occurs

<sup>1</sup> Cf. ROCHHOIZ, *Deutscher Glaube und Brauch im Spiegel der heidnischen Vorzeit*, Bd. II, pp. 145 ff.

in this meaning in the compound temporal adverbs *einmal*, *zweimal*, etc.), *Mahlzeit* really consists of a repetition of the idea of time. A generation to which the word *Mahl* carried no significance beyond that of eating felt anew the need that had controlled the original formation of the word, and so added a second time-reference to that already derivatively present. This is surely strong evidence that the time-characteristic was always regarded as especially important. The common meal thus became the *subjective* point of departure for a regular division of time, just as the uniform movement of the heavenly bodies offered itself as the *objective* means of time-measurement. And if the alternation of human occupations is not quite so regular as the course of the stars, it is nevertheless so far regular that a number of men who have appeased their hunger at the same time will also become hungry again at approximately the same time. The recurrence of the operations demanded by the preparation of food thus accustomed mankind to that regular alternation of rest and labour which is one of the fundamental conditions of a civilised society.

Not less important than these external results are the *subjective* effects which the habit of eating in common brings in its train. True, that consideration for others, which we might be inclined to infer from an union about one hearth and one dish, has very much less weight in a state of barbarism than our present experience would lead us to expect. Here, as in so many other things, fear of the gods preceded regard for one's fellow-men. The hearth, as the place of household worship, gave a religious consecration to the household meal. To invite the gods to partake of the food prepared, to offer them the first and best pieces in order to be assured of their favour, is so natural, in view of the ideas associated with the power of the hearth-fire for good and for harm, that we cannot wonder if we meet it everywhere, and often under

conditions which point to its independent origination. In this union of religious ceremonial with the daily meal, we have the presumptive origin of all those sacrificial observances which involve the offering of food of which man himself partakes. But it is readily intelligible that need must soon arise for the *sundering* of the two purposes. The important thing at the ordinary meal would then be the satisfaction of one's own appetite, though the gods are not wholly forgotten: the Greeks, *eg*, poured a libation at the beginning of the feast: while for the unseen powers special banquets would be prepared, at which the relation was reversed, and man looked upon himself as the guest

We thus find that the sitting at meat together has given rise even in the first beginnings of civilisation to two distinct forms of social usage: the ordinary meal, which has its source in the necessities of life, and the sacrificial meal, which is part of the worship of the gods. There is always a ground of connection between the two in the fact that the chief end of the one is a secondary end in the other. Traces of this primitive intermixture of ends may be clearly seen in modern life. The last vestige of the sacrifice that accompanied the daily meal is the grace or blessing. The sacrificial meal itself has assumed the most varied forms, largely as a result of the secularisation of its ends. We have it, *eg.*, in the 'celebration' dinner held in joyful remembrance of important family occurrences, or of important public events. We have it, again, in a form peculiar to modern civilisation, in the *public banquet*, where it serves as the material basis for the prosecution of municipal, political or professional interests. Whenever any of these interests call for harmonious co-operation, it is attempted to arouse enthusiasm for the common end by way of social enjoyment: hence the name *Zweckessen*, 'business dinner.' A third and last form, in which there is least trace left of the original

sacrificial meaning, is that of the dinner given privately to invited guests, which is simply the family dinner amplified by certain additions and embellishments. This, too, falls under the head of the 'business dinner' in the wider sense of the term, in which its essential mark consists in the reversal of end and motive. We come together at the family table in order to eat; we eat of the business dinner in order that we may come together.

It is evident, now, that in the course of the manifold transformations which this most indispensable of all the occupations of life has undergone, another motive, of psychological character, has gradually risen to prominence: a motive that has ultimately forced the influence of the religious element in the preparation of food, the original source of all these refinements of its sensible purpose, entirely into the background. That motive lies in the impulse to the attainment of pleasurable sensations, which readily associate with intellectual pleasures of the most diverse origin, and strengthen them by helping us to realise one of their principal conditions, the company of our friends. But it is necessary to the operation of the psychological factor not only that the custom of the common meal has been established, but also that other reasons for it have been found besides that of the satisfaction of hunger. This is why all such secondary motives are entirely foreign to the animals, despite their keen enjoyment of food and drink.

We cannot put too high an estimate upon the *ethical* significance of this development, whereby the most primitive requirement of the animal life is changed to one of the most powerful instruments of human civilisation. The mere outward fact that the form in which the individual impulse is satisfied lays upon each man certain social duties, that confine his egoism within definite limits, is in itself of very great importance. But we have, further, the subjective

influence of the regular alternation of work and recreation that comes with a regular division of time,—an influence which ennobles both work and recreation, and at the same time educates the character. For of all the aids to an even and regular conduct of life, of all the means that help us to resist our wandering inclinations, the habit of regular alternation is the best and strongest. Habit thus becomes our instructor in duty. Custom strengthens the feeling of duty, by taking the regular recurrence of action, as it always does, under its special protection, and adds a moral sanction to the incentive already inherent in the natural requirements of life, by stigmatising every departure from the established rule. Now the same custom that gives birth to this moral sanction is also the source of the highest and noblest forms of human enjoyment. Just as the regularity of the working hours originated from the setting of a fixed time for the daily meal, so the 'celebration' dinner has expanded into the *festival*. Here the coercion of the social custom is fully offset by the enhancement of individual pleasure in its transformation to an enjoyment shared in common with others. This augmentation of the individual feeling is again, on its part, of great ethical significance. It not only shows how high a value the individual should put upon society, but gives the first occasion for a feeling of pleasure in the attainment of ends that are not egoistic, and proves that this pleasure is more permanent than that felt in the satisfaction of selfish impulses.

When we remember all the good things that have grown out of the germs of civilisation in primitive usage, we shall view the disadvantages which the abuse of custom here as everywhere entails with a more lenient eye. These bad customs are generally survivals of older customs, forms handed down to a time which has lost all consciousness of their original significance, and so easily pressed into the

service of strange and sometimes reprehensible purposes. A moral retrogression of this sort is especially probable in the present instance, because alongside of all the ideal aims which custom has been able to connect with the taking of food the original sensible purpose must necessarily persist unchanged. Hence, whenever this is made the chief end in a case where it should be only subordinate, the first step has been taken on the downward path that leads to demoralisation. When once the solemnity of the occasion, the element of religious worship, the memory of the dead, have degenerated into mere excuses for the concealment of the real motive—enjoyment of the pleasures of the table—the festal meal, the sacrificial meal and the funeral feast not only sink to the level of the ordinary daily meal, but take on a positively repellent character through the contrast of the real with the pretended purpose. When a noble purpose is made the shield for the satisfaction of lower impulses, the action of the individual becomes a lie. And the custom is still repugnant, even if things have gone so far that no one thinks of the original purpose at all: we have the disagreeable knowledge that a whole company is actuated by motives entirely disproportionate to the occasion in which they find expression. The least unpleasant of these degenerate forms of custom, for obvious reasons, is that form of the 'business' dinner in which the eating, instead of subserving other ends, has become an end in itself. Since, as a general rule, the purposes to be furthered do not belong to any very exalted sphere of human interests,—since, *i.e.*, the value of the real and of the pretended ends often differs but little,—we ordinarily raise no special objection to an interpretation of the phrase 'business dinner' which implies that it is 'dinner' which is the 'business' in hand. There is, too, another point to consider. Bad customs are always reprehensible, however noble the custom from which they are derived; but we

shall grant that a worthy origin serves nevertheless as some sort of excuse, especially when we remember how impossible it often is to fix the point at which the first good end gives way to some worthless subordinate purpose, behind which it finally disappears altogether. The course of custom is always a series of ups and downs. The law of progress, which rules all the transformations of custom, makes it inevitable that retrogression shall occur in individual instances. Hence it is not doing full justice to the bad custom, even in ethical regard, if in our estimate of it we leave its historical evolution entirely out of consideration.<sup>1</sup>

(b) *The Dwelling.*

Next to that of food, the earliest need of human life is the need of a dwelling-place, a shelter against the inclemency of the weather, against dangerous animals, and against human foes. Although a tropical climate may render it possible to dispense with clothing, some kind of house or shelter is always necessary. This need, again, is not peculiar to man. Many of the animals choose a special dwelling-place, at any rate for the time when they are rearing their young,—either taking possession of some natural shelter, or themselves making a nest or burrow in some suitable place. Man, too, originally took advantage of the means of protection offered by nature. The European contemporaries of the cave bear dwelt in natural rock-caverns, whose entrances they concealed, and whose interior they widened as necessity required. Although these primitive dwelling-places could hardly have been meant to serve any other purpose than that of protection, rude drawings on bones and reindeer horn prove that the sense of ornament was not wholly lacking even in the man of the cave period; while the signs of fire-places in the centre of the caves show

<sup>1</sup> Cf. what was said above of the funeral feast, pp. 140 ff.

that the artificial preparation of food had already become a necessity. Nay, more, these primitive habitations, the gift of nature to man, formed a common shelter and a common burial place, at least for the members of a single family. This is indicated by the human remains that have been found alongside of the bones of slaughtered animals.

When once the cooking of food had accustomed mankind to common labour, and more especially to the use of wood, it was an easy matter for them to throw off their dependence upon the localities that chanced to offer natural shelter. The Indian still builds his wigwam on the pattern of a group of forest trees, with its roof of interwoven leafage. He plants poles or branches in the ground, and bends them together overhead, spreading mats or some other protective covering over all.<sup>1</sup> This primitive form of dwelling could easily develop into the travelling tent, on the one hand, and the permanent dwelling-house, on the other. The latter requires that the open interstices be filled with wattles or earth or stones, and a roof constructed upon cross-beams. The purpose is partly to strengthen the dwelling against outside attack, and partly to get a larger space within, suitable for a permanent abode and adequate to all the various needs of life. It is plain, too, that the travelling house, the waggon, had its origin in the tent of the nomad. Oftentimes there are indications in language of these old-world relationships, words of the same root-meaning serving to express tent and house, or house and waggon.

We have seen that the awe of fire, the element at once so beneficent and so terrible, had raised the preparation and even the consumption of food in the immemorial past to an act of religious worship. No less venerable in its antiquity, though prompted by very different motives, is the consecra-

<sup>1</sup> WAITZ, *Anthropologie der Naturvölker*, iii. pp. 90 ff. RATZEL, *Völkerkunde*, ii. pp. 653 ff.

tion of the dwelling-place. Primitive man looks to the shelter of his house for protection from the dangers that threaten him abroad; but the house can afford this protection only if it stands itself under the guardianship of those divine powers that control both the forces of nature and the course of human life. Hence the building of a house is everywhere connected with acts of religious ceremonial, and its most important parts, the hearth and the door through which the owner passes to and fro upon his daily business,—which lies open to the invited guest but is closed to unfriendly intrusion,—are always placed under the special protection of the tutelary spirits of the household.<sup>1</sup> In this way man makes his own dwelling-place the abode of his gods, and strengthens the bands of habit, which hold him more and more closely to the hearth-side the more settled his manner of life becomes, by the added power of religious feeling.

Still another important advance in moral development is connected with this religious consecration of the house. The thought that the house stands under *divine* protection makes any act of violence to its owner committed within its walls a *religious* offence, while, on the other side, the household gods secure the stranger who has crossed the threshold from any attack that might otherwise be made upon him by the members of the house. Out of this religiously coloured idea of the house-peace arise the first conceptions of a *legal* security of person and property. For as the house-peace includes all who have come under the protection of the roof, the house itself is accounted a sacred possession. Here lie, latent in their mythological envelope, the first germs of legal ideas which, where they have once broken free in any considerable

<sup>1</sup> Cf the Vedic hymns that refer to house-building, quoted by ZIMMER, *Altind. Leben*, pp. 150 ff. For the vestiges of the original ideas still preserved in the custom and usage of Germany, *vid* ROCHHOLZ, *Das altmannische Haus*, in *Deutscher Glaube und Brauch*, II. pp. 67 ff.

measure from their religious connections govern the attitude of society to the individual and to individual property in circumstances where the house-peace has long been forgotten. It is evidently a far-off suggestion of this origin, still preserved in our modern sense of justice, that makes us think so seriously of an injury, perhaps insignificant in itself, done to a man in his own house in such fashion that violation of domestic security is added to the original offence.

With the growing sense of common interest, *public* worship replaces the worship of the household. The house of God is the resort of all who wish to offer sacrifice or prayer. It is also a house of refuge from pursuit—on the steps of the altar even the criminal finds safety. The threatened blood-revenge, or whatever the intended penalty may be, is thus delayed; the pursuer's thirst for vengeance has time to moderate, and the security of the holy ground gives opportunity for reflection, for the question whether the crime committed may not be expiated by ransom or some other mode of atonement. Thus, under the protection of the peace of God, which abides in the temple, *revenge* gradually gives way to *punishment*. And punishment, since it is made the subject of a more dispassionate consideration, is graduated according to the seriousness of the offence, until, little by little, it passes wholly out of the hands of the injured man, and is publicly administered on behalf of a social law and order that stands under the protection of the common gods.

A similar intellectual development culminates in that sense for the *beautiful* which displays itself, after the bare shelter of primitive times has been replaced by a house adequate to the manifold requirements of life, in the decoration of the dwelling-place. At first the need of ornamentation is felt only for those parts of the house which also serve as places of worship, or with which religious ideas are for some other reason connected. Thus the hearth is

transformed into the altar of sacrifice, and then again into the oratory, where the members of the household meet for religious celebration round the decorated image of some god. When a common form of worship has grown up, the decoration passes from the individual dwelling-house to the house of God. And as temple-worship represents the worship of many individuals, the ornamentation of the temple also takes on a more imposing form. It extends from the image itself to the whole surrounding space, and spreads from the inside to the outside of the building. Since the house of God is used simply for religious celebrations, the utilitarian motives that determine the building of a private house have nothing to say to its construction; and all the freer scope is left for the sense of beauty, as expressive of a purely religious feeling. At a low level of civilisation the dwelling even of the chief differs at most in size and in greater solidity of structure from the hut of the ordinary man. External decoration of the house begins, as the history of architectural evolution shows us, not with the house of the individual, but in the place where reverence is paid in common to a common god,—the place which is therefore regarded as the dwelling-place of the god. The temple is the first public building. Its external decoration serves the further purpose of making the house of God known, far and wide, as a place of public worship. Hence it is that among so many peoples, and without any indication of historical connection, the *tower* has been chosen to mark out the house of God. From the temple, external ornamentation travels first to other buildings intended for common purposes and to the houses of the chiefs, and ultimately finds its way, in more modest forms, to the ordinary dwelling-house. It is only in the poor man's cottage that we find decoration confined to-day to some little corner of the interior, where the hanging of a crucifix

or saint's image, or if these, too, have vanished at any rate the arrangement of the scanty collection of 'ornaments,' gives clear evidence of an origin from the altar of household worship. Ornamentation, then, passes first from the individual dwelling-house to the public building, there extends from the inside to the outside of the structure, and, thus elaborated, returns once more to the dwelling-house. Only at those lower stages of life where obsolete ceremonial forms persist longest as traditional usage, has the decoration of the house preserved its original character through all the changes of the centuries

(c) *Clothing.*

Food and shelter are sought, at first, under stress of sheer necessity, and come only by slow degrees to play a part in the æsthetic side of life. The development of *clothing* has followed a somewhat different course. There are two points of departure for it from the very beginning. In a harsh climate the covering of the body is absolutely necessary, clothes are as much a necessity as some form of shelter. But in the tropics clothing is not indispensable. The covering of certain parts of the body is, however, with rare exceptions, demanded by *modesty*, a specifically human feeling, that stands in intimate relation to the 'good manners' of civilised society, which we shall discuss later on. Now the more dispensable clothing is, and the more it is actually dispensed with, the more important does the adornment of the body itself become. Here we see one of the most characteristic differences between primitive and civilised man. primitive man adorns his body directly, and civilised man only indirectly, by way of clothing. The great man among the Feejee islanders is marked out by an especially elaborate tattooing of the skin, and by an especially strange and complicated mode of dressing the hair. The great man of modern Europe is distinguished from his inferiors merely

by the clothes that he wears, and even this difference is gradually disappearing in the prevailing struggle for social equality. High and low, rich and poor are known to-day not by the character, but at most by the quality of their clothing,—more particularly if they have been subjected to the levelling influences of a city life.

The means employed by the savage for bodily decoration consist principally—aside from the rings and sticks with which he bars his ears and nose—in the tattooing and painting of the body, in complicated arrangements of the hair, in the filing of the teeth, and in the artificial deformation of special parts of the body. Many Indian tribes induce deformity of the skull, and the Chinese women deform their feet. Superstition excepted, there is no motive which impels man so irresistibly to self-torture as the desire of self-adornment. Tattooing is a painful, tedious and often dangerous operation. The Feejee chief, whose hair stands far out from his head in bristling points, can never lay his head down for sleep, but must be satisfied to support his neck at night-time upon a wooden block. And nose-rings, the blocks which the Botocudos wear in their underlip, and the sharp points to which the Malays file their teeth, must be very far from adding to the agreeableness of life. But they are endured with just the same resignation to the inevitable as the self-imposed tortures which are supposed to be pleasing to the gods.

Indeed, there is originally a very close connection between these two motives—the desire to adorn oneself and the desire to please the gods—widely separated as they are at the present day. Tattooing, in particular, the commonest form of direct bodily ornamentation, undoubtedly springs from a religious source. The Polynesian and the Indian often use in their tattooing the symbols in which they imagine the spirits of their tribal heroes or of other divine

beings to be embodied. The tattoo itself is a duty to which everyone must bow; and in earlier times its execution was, in all probability, universally accompanied by religious ceremonies.<sup>1</sup>

By slow degrees, personal adornment passed from the body to the clothes; chiefly, no doubt, under pressure of climatic necessities. At first the decoration of clothing does not exclude the direct adornment of the body. The Indian, who is fond of decorating the skins that form his clothing with particoloured feather-work, still tattoos his face and the other exposed portions of the body. And there is no civilised nation which has not preserved traces of this direct bodily ornamentation. We find them in Assyria, in the artificial dressing of hair and beard, in ancient Egypt and among many of the Oriental nations at the present day, in the painting of hands and face; among the Arabs (the Bedouins and the Arabs of the towns), in the tattooing of hands and face; and among ourselves, in the ear-rings and hair-ornaments of our women,—since the disappearance of the masculine queue the last vestige of direct bodily ornamentation among the western peoples. Ornament thus travels slowly, and not without many a backward turn, from the body itself to the covering of the body. The merit of abolishing this survival from prehistoric savagery, though not always with permanent result, belongs to the Greeks. Even in the heroic age, when Eastern example was still followed in the gay colours and ornamentation of clothing, the æsthetic sense of the Greeks had almost entirely given up direct bodily adornment, at any rate for the male sex.<sup>2</sup> The Hellenic admiration of the normal male figure in its pride of strength and beauty—brought out so characteristically even in Homer—naturally led, in course of time, to the

<sup>1</sup> WAITZ, *Anthropologie der Naturvölker*, III p. 95, IV pp. 28 ff.

<sup>2</sup> Cf. BUCHHOLZ, *Die Homerischen Realien*, II. 2. pp. 260 ff.

feeling that that form of clothing was most desirable which was most perfectly adapted to the natural outline of the body. Variegated colours and highly-ornamented garments then began to give place to a simple dress of a single colour. The Greek of the Periclean epoch showed his superiority of birth and position not in the Oriental fashion, by splendour of outward adornment, but by a greater care in dress, and more especially by polished behaviour and dignity of bearing. The Athenian distinguished the well-educated Greek from the barbarian by the manner in which he wore the himation, the cloak thrown over the shoulder. The Romans copied the example of the Greeks. In later times, however, the East again obtained considerable influence upon personal adornment, as it did upon other customs, religious and secular. The picturesque fashions of the middle ages are thus traceable to the interaction of that sense for simplicity in beauty which characterised the peoples of classical antiquity and the preference of the Oriental nations for splendour and variety of colour. The Crusades gave an impetus to the influence of Oriental custom, which lasted for centuries. But in the period of the Renaissance classical simplicity began to regain its old supremacy. The ornate baroque style brought with it all sorts of disfigurements in dress, and actually led to an attempt to reinstate the direct ornamentation of the body. And though perruques and queues, rouge and beauty-patches, have gradually passed out of use, still the age of the baroque has left its mark upon us in a certain tendency to *direct* bodily adornment shown in our feminine fashions. The dress of the sterner sex has been simplified, for practical ends, under stress of the utilitarian sense of modern times; and the sense of beauty has now very little to say to it.

In the course of development which we have here followed two transferences have been effected, both of which are of

some significance in ethical regard. Although they began in ancient Greece, they are nevertheless especially characteristic of modern civilisation. The first is the transference of ornament *from man to woman*. In the savage state it is the man who bears upon him the outward marks of wealth and position: the woman, upon whose shoulders generally rests the daily labour that is too troublesome for the man, goes more simply clad, and ordinarily wears no ornament at all. In the civilised world of to-day masculine dress has become practically uniform. The only exceptions are certain marks of military and political distinction, which are still attached to the *clothing*,—last vestiges of the war trophies of the savage and of the hero of prehistoric times. Woman's dress, on the other hand, still keeps its variety of colour and brilliant ornaments, nor can it be said that direct adornment of the body has altogether died out.

The second transference that ornament undergoes is from the *person* of man to his *environment*. The more completely the direct ornamentation of the body and (though this is of less import) the ornamentation of the clothing disappear, the more does the sense of beauty turn to the interior and exterior of the house, and to its natural surroundings, for a vehicle of expression. In modern society we may meet two men whose clothing hardly differs in a single detail. Yet the one is, perhaps, the occupier of a bare room in the top storey of a huge lodging-house, while the other is the owner of a luxuriously appointed mansion. This equality in dress has extended even to women; though it is attained not by the relinquishment of outward ornament, but rather by the effort of all classes to show as much of it as is possible.

These two transferences of ornamentation, from man to woman and from person to environment, have their principal source in the tendency towards *equalisation of social differences*. A secondary motive is to be found, further, in the

necessity that comes with the increasing demands of life for a *reduction* of the *time* and *labour* to be expended on clothing and ornament. The poor man, or the man of lower social standing, naturally wishes to do the same thing as his rich and more distinguished neighbour. In the uniform dress of society, the 'dress suit,' we have the explicit renunciation of this costly rivalry. But the renunciation would probably never have been made had not the desire to save time and labour been so strong a motive. The dress that men wear at the present day is the most comfortable for a temperate climate. The every-day suit can be exchanged for the dress suit without any serious expenditure of time, and the dress suit can be worn on all possible occasions, at a funeral or a wedding or the session of a public board. It is, of course, the man, struggling for his own support or working on behalf of general interests, who is chiefly concerned to save time whenever the saving of time is possible. There is no similar cessation of hostilities, expressed or understood, among women. On work days the cook in a professional family cannot hope to rival her mistress; but on Sunday, when she has the necessary leisure for self-adornment, it is sometimes now, as it was with the Greeks, merely the way of wearing the himation that distinguishes her from the lady of the house.

There are, however, certain forms of clothing which have successfully resisted the tendency to uniformity pervading this whole development, forms which custom has made it a duty to retain, with all their characteristic differences. These exceptions are: the peasant dress, the professional dress, the holiday dress, and the dress of the mourner. The word 'dress' (*Tracht*), used in all these phrases in place of the more general and variable term 'clothing' (*Kleidung*), carries with it the idea of a certain permanence and stability. Thus the peasant dress is the uniform costume of a particular

population, and the professional dress the uniform costume of a given calling, whether worn permanently or only during the discharge of professional duties. The holiday dress and the dress of mourning are slightly different; they stand on the boundary line between 'dress' and 'clothing.' Not the whole costume, but only certain parts or aspects of it are dictated by custom. Holiday attire must show brighter colours, or be made of better materials than usual; or else follow the conventional rule which prescribes certain articles of apparel, like the frock coat and high hat of modern society, for holiday occasions. The garb of mourning, the opposite of the holiday costume, avoids varied colours and lustrous materials. The mourner is clothed either in black or in white: white is still the colour of mourning among many Oriental nations, and its use was probably universal in ancient times. The avoidance of varied colours is a feature common to all mourning customs, and finds an obvious explanation in the mood of the mourner. The change from white to black may be due in part to changes in the external conditions of manufacture, but was probably also suggested by the desire to express sorrow by some outward sign which should be specifically characteristic of this emotion. The mourner wears his special dress not only for the satisfaction of his own feelings, but to show to others that he is debarred for the time from all forms of social enjoyment.<sup>1</sup>

In these specific costumes, enjoined by custom and in

<sup>1</sup> Cf. on this point the excellent remarks of JHERING, *Zweck im Recht*, ii. pp. 312 ff. I cannot subscribe unconditionally to Jhering's hypothesis that the garment of mourning is not worn at all as an expression of the mourner's feelings, but only as a signal of his state of mind to others. We may grant that the second purpose is the more important at the present day. But it is equally certain that this was not the case in earlier stages of civilisation. For there the mourning dress was generally assumed merely during the funeral ceremonies, when the mourner had no need to give warning of his grief. It is plain that we have here, as in so many other cases, a shifting of motives a motive that was originally secondary has now gained the supremacy over the primary motive.

certain cases (the uniform of the soldier and the government official) by law itself, we still find traces of that ethical significance which originally attached to the satisfaction of the need of clothing, in all its forms, as to that of all the other requirements of human life. Even at the present day custom prescribes to all of us a certain form of dress,—a form whose general characteristics remain the same, however much its details vary with sex and age. And this prescription is simply the faint echo of the more binding rules which regulated the life of the individual in a time less remote from the origin of civilisation than our own. Clothing, which of all the objects of the outside world stands nearest to man, also serves most forcibly to admonish him of his dependence upon the custom that he shares with his fellow-tribesmen. An age whose sense of this relation of man to his environment was still vivid would accordingly not only feel it absolutely necessary to give expression in mode of clothing to all the most important situations of life, but would also regard the change of dress that comes with entrance upon manhood or with the assumption of the man's armour as a serious event, demanding the sanction of religious ceremonies. There are two offices in particular, the offices of priest and chieftain, whose distinctive dress appeals directly to the feelings of reverence necessarily called forth by the high position of the representatives of deity and of temporal authority. We have not entirely lost these feelings, even at the present day, although they have now but little of their old constraining power, and, more especially, hardly anything of the religious import which in primitive ages attaches to all moral phenomena. The norm of clothing prescribed by custom is the first bulwark of morality. Clothing erects a barrier which separates classes and callings. It thus assigns each man to his own social position, and at the same time exacts from others the respect which that position demands.

More lasting than this division, which cannot wholly resist the levelling spirit of the time, is the barrier which clothing—clothing in the abstract, without regard to its distinctive character—erects between individual man and individual man. Just as the dwelling-house is at once the outward sign and the most effectual means of family union, so clothing is at once the sign and the means of individual independence. It increases one's self-respect at the same time that it increases respect for the person of one's neighbour.

This connection between clothing and personal dignity takes on a specific character in the case of the *professional* dress. The dress is to remind everyone, not least him who wears it, of the dignity of the calling which it indicates. The king with the insignia of his power, the priest with his vestments, the judge with his gown, stand simply for the *idea* which it is their calling to subserve<sup>1</sup>. The significance of the professional dress, however, did not arise by way of contrast to that of the every-day costume: it is simply a special development, in a special direction, of a meaning already inherent in more general form in the dress of every-day life. Besides fulfilling its original purpose of a protection against cold and bad weather, clothing gives expression to ideas and feelings which relate partly to the general character of the wearer as man, partly to his particular position in life, and partly to his public calling. In other words, it constitutes an artificial means for the expression of the personality, supplementing the natural expression of carriage and bearing and play of feature. The development of clothing thus reflects, in an especially characteristic manner, the development of moral culture. Sometimes it makes straight for the fulfilment of its purpose, and sometimes follows all sorts of roundabout paths, sometimes it adapts itself to the outline of the body, and sometimes tries to produce an artificial

<sup>1</sup> Cf. JHERING, *Zweck im Recht*, II pp. 322 ff.

change of figure ; sometimes it prefers simplicity of cut and colour, sometimes variety of colour and complexity of pattern; here it marks off classes and callings, and there again aims at the effacement of social distinctions. In all these ways it displays to us the æsthetic taste and the moral character of a people. And it is here, in the nicety of one's outward appearance, that taste and morals are most closely interwoven.

We may notice in this same connection that clothing, like food and shelter, is a side of life which has its origin in very simple impulses, but which gradually evolves a multitude of secondary motives to serve as foundations of the moral life. Hence these three most indispensable life functions constitute, in the forms which they assume under the dominion of custom, both a measure of the existing moral condition and a means to the furtherance of moral development. The law of the infinite growth of energy, which rules the whole of the mental life of mankind, is thus strikingly attested by the facts of moral development. As the satisfaction of the animal impulses takes to itself first religious, and then æsthetic and simple ethical motives, norms of conduct are set up whose moral significance only gradually comes to clear consciousness. But when it has once been grasped, other modes of moral conduct are suggested by it, and give rise in their turn to the formation of yet other groups of moral ideas. We thus have an intercrossing of conduct and idea, of actions and their reactive effects upon consciousness, so complex and close-meshed that it is impossible to decide in the concrete case what is effect and what is cause. At the beginning of the developmental series stands the bare animal impulse, stripped of all moral motives, at the end we have the complete interpenetration of organic requirement and moral idea. Hence there can be no question that in this case morality must have originated from non-moral elements.

But we should be taking a false path, a path that brought us at every step into contradiction with the facts, if we sought to explain the mystery of this origination by the gradual growth of man in *knowledge of social purposes*. These purposes always come to consciousness by way of their effects; and this presupposes that motives of a different order have preceded the acts which can later be referred to them. The motives are, as a matter of fact, primarily, *religious ideas*, and secondarily, *aesthetic feelings*, that are struggling for satisfaction side by side with the sensible impulses with which they are gradually intermingled. That the good and the beautiful are also the most useful is knowledge which does not dawn upon the human mind until very late in its history, and the truth of which, after all, is at any rate not without exception. Thus we find in the moralisation of the universal animal impulses a striking verification of the general experience that in the growth of the moral from the non-moral it is not the moral feelings, pure and simple, that apply the lever to development, but complex feelings, in which the moral elements are contained, but contained in latent form.

Besides the direct influence which the impulses to the procuring of food, shelter and clothing exert upon the moral life, along the manifold lines of moral development that proceed immediately from them, there is also an *indirect* and secondary influence, extending as time goes on over wider and wider social areas, and limited at last only by the finitude of human existence. The preparation of food, the building of a house, and the fashioning of clothes, are the earliest, because the most indispensable, forms of human *labour*. But they do not long remain alone. When once the worship of the gods, the sense of the beautiful and intellectual interest—all at first bound up with the acts that minister to these necessities of life—have attained their independence, new forms of labour, in greater and greater variety, are developed

from them. Work, at first merely a means of sustaining life, gradually comes to be the most important part of life. And the pleasurable feeling that comes with work well done is the source of *play*, the lighter mood of work. Play thus serves to occupy the hours of rest that must necessarily follow the exercise and enjoyment of human powers and activities.

(d) *Work*

Work, too, has its origin in the necessities of life. Its primitive forms are the making of clothing, the preparation of food, and the construction of a shelter. Primitive man is little inclined to carry these necessary tasks farther than necessity requires. When his most pressing needs are satisfied, he sinks into apathetic indolence. The first crude decoration of hearth, body or sacrificial meal is also a matter of necessity—it has its source in ceremonial ideas, which themselves spring from the desire to place human life under the abiding protection of the gods. At the same time, the tendency to decoration furnishes one of the conditions which ultimately led to an extension of the original sphere of labour. Since neither decoration nor the purposes which decoration subserves contribute directly to the satisfaction of the needs of life, its production evidently involves a kind of work that aims at something beyond what is absolutely and constrainingly necessary. Later, with the application of ornament to secular purposes, and the growth of the aesthetic sense, new forms of work are evolved, at the prompting, not of the impulse to self-preservation, but of the wish to *make life beautiful*. At this stage we find, too, that pleasure in work which contains the germs of the development of play.

But this love of ornament, which goes back to the earliest stages of human life, is not the sole condition of the origin of work. There is another, which is not less important for its evolution. It consists in the *increasing number of the*

'necessities' of life. As more and more things become 'necessary,' new forms of activity originate, and these, in turn, afford new points of departure for the love of ornament and the æsthetic sense. The outward result of this multiplication of necessities is an *increasing division of labour*,—a process that exerts a profound influence upon moral development.

Division of labour obtains, to a certain limited extent, at the very lowest stages of man's existence. We have at least the division of duties that follows from the differentiation of the sexes; and this is the beginning of all the other and more complicated forms of the division of labour. In a tribe of hunters, where the man spends his life in pursuing game and fighting with the neighbouring tribes that are endeavouring to seize his hunting grounds, the rude hut that serves as 'home' is under the woman's care, she has to prepare the food, to provide clothing, to tend the children. We have, *i.e.*, a primitive division of labour which is simply a repetition, in somewhat higher form, of the sexual differentiation of function among the animals. Nor is the nomadic life much more advanced. The man provides a shelter, protects the camp and directs the course of the family wanderings. The woman milks the cows, prepares the food, makes the clothing, and looks after the children. There is some difference, however: the greater complexity of the conditions of life brings with it the first beginnings of a division of labour among the *men* of the nomad horde. The setting up of the tents, the construction of the wagons and the fabrication of arms are tasks for whose performance some are more apt or more practised than others. The occupations of the carpenter, the cartwright and the armourer are thus seen to date back to the nomadic age. But the division of labour is still very partial and imperfect. The man who devotes himself to a definite kind of skilled work is not thereby

relieved of the labours common to all the other members of his tribe ; and these others are not entirely ignorant of his special business

It is only under the settled conditions of an agricultural life that circumstances arise which make a separation of definite departments of work imperatively necessary. There are two principal reasons for the division. The first lies in the *complexity* of the conditions of life, which is greatly increased by the change from a wandering to a settled mode of living,—far more, indeed, than by the change from hunting to pasturing. The second is to be found in the origination of *class distinctions* that comes with the occupation of permanent dwelling-places. The conditions under which the husbandman lives are more complex, because a settled life demands a much larger measure of provision for the future, and brings the need of foresight—strongest of all the incentives to custom as to law and order—and its importance for the individual and for society to clearer consciousness. The hunter and the nomad defend their huts against the dangers of the moment. The husbandman aims at the lasting security of his domestic hearth and the fields that lie around it ; his solicitude extends beyond the limit of his own life to the welfare of future generations. Hence the building of his house is conducted with incomparably greater care, the fabrication of household utensils and farm implements that are to last for a long time is an incentive to more thorough work ; while house and furniture alike, because they are intended as a permanent possession, make a stronger appeal to the sense for artistic decoration. Nevertheless, this motive to a more complete division of labour would not, perhaps, have been powerful enough to secure its end had it not been reinforced by the influences of class-distinction, which makes its appearance with the agricultural mode of life. The nomads know nothing of it.

The only difference in nomadic society is between the chief—who as leader in battle has the first voice in the affairs of peace—and all the rest of the tribe who are capable of carrying arms. A class of dependents, of servants, can come into being only where the cultivation of the soil ensures the support of a numerous household, and at the same time requires more than one man's strength for tillage and the other tasks imposed by a settled manner of life. The hunter and the nomad try to prevent any increase of the horde that may hamper their freedom of movement or lessen the scanty supply of food in time of need: so that customs as cruel as that of child exposure and the abandonment of the very old are not infrequent among them. Prisoners of war are killed or released; or if for any reason this custom is infringed, may be admitted as free men into the conquering tribe,—as *e.g.*, among the North American Indians. It is agriculture that suggests the idea of utilising the labour of prisoners for one's own purposes. So this first step towards civilisation establishes at once the greatest of all social inequalities, that of master and slave: the slave, as the property of his lord, takes over all the labour that the master finds troublesome. In time, however, the relation, which was at first one of absolute oppression for the slave, is modified by the mere fact of a common life. The slave comes to be looked upon as a member of the family; coercion is replaced by the feeling of reverent affection so strikingly exemplified in the pictures of Eumeus and Eurycleia in the *Odyssey*. Now, as the lot of the slave is more and more alleviated, a further factor in the development of class-distinctions becomes more and more important: the *difference in amount of property* that necessarily results from the ownership of land and the conditions of a settled manner of life. This difference means that the poorer and therefore more defenceless

members of a population, freemen though they are, put themselves under the protection of their richer and more powerful neighbours. In return for the advantages thus secured, certain duties are imposed and acknowledged: service in time of war, the payment of a certain portion of the harvest, the performance of definite personal tasks. Soon the struggle for possession gives rise to a class of freemen who are entirely without property, and many of them are driven by necessity to offer their services for labour such as none but a slave would normally perform. So we have the development of a class of free artisans, who build and furnish the landowner's house, forge his weapons, make his carts and agricultural implements, manufacture his household utensils, and suggest and execute modes of artistic decoration, receiving in return food, clothes and shelter. These three needs of life, whose satisfaction constitutes the primitive form of wage, are the last to come under the principle of the division of labour. In the heroic age, which had carried it into all the occupations mentioned just now, spinning and weaving, the grinding of corn and baking of bread, the preparation of meals and the making of clothes, are still domestic employments, entrusted to the women of the household,—the only sign of class-distinction being that the heaviest part of the work is incumbent in every case upon the slave-girls and maid-servants. The lady of the house may not expend too great a measure of her strength upon the routine of domestic work, if only for the reason that she is to bring up her many children. Pride in a numerous family marks off this stage of human development from those that precede it as sharply and characteristically as the maintenance of a large number of household dependents.

The course of development here sketched holds, in all essentials, for every tribe that maintains a constant struggle

with neighbouring tribes of equal independence, and so has opportunity from time to time to make new acquisitions of slave labour for the cultivation of the soil. It is different when, as in ancient India, the conquering race find an original population ready to their hand, and can press it into their service in clearing and tilling the land. In such a case class-distinction follows the line of race-distinction, and the eradication of hostile feeling and its social consequences is exceedingly difficult, since the subject-race form a body for themselves apart by sheer force of numbers. The mixture of races, which is bound to occur to some extent, gives rise, later on, to a new middle class, whose permanence is assured by the division of labour. Difference of race means difference of occupation. Here we have the first beginnings of the separation into *castes*, the origin of which in the struggle of two different races is shown by the subsequent regulation of a man's profession according to his descent.

### 3 THE FORMS OF INTERCOURSE.

#### (a) *The Labour Contract.*

With the transference of labour from the slave to the free (or partially free) craftsman, there arise, first, a settled trade in labour, and secondly, as the result of that, the two fundamentals of economic civilisation, *wages* and the *contract*. Both alike exercise a profound influence on the social forms of life (pp 227 ff). The slave and even the hereditary dependent, the serf, gain their livelihood not in the form of wages, but as a free gift from their lord. The contract is a new legal relationship, originating from the agreement of one free man with another. The oldest form of contract is the *wage contract*, according to which a piece of work is to be performed by the one party to the agreement, and a

certain return made therefor by the other. The contract of barter, whose purpose is the exchange of goods, whether of the necessaries of life or of any other objects of value, presupposes more complex conditions of living. The primitive form of wage is again the direct bestowal of the three necessities of life. It still reminds us of the prototype of the wage proper, the support guaranteed to the slave and the serf. But the free craftsman, who has separated himself from the household of the feudal lord, and has only his own earnings to look to, is obliged to assure himself against need in his days of enforced idleness. From this point on, therefore, the amount of wages is fixed, not by reference to what is necessary to support life during the continuance of the work, but by a far more complex calculation, which takes account of the quality of the work, the difficulty of obtaining it, the dispensableness or indispensableness of its products, and so on. Here begins the conflict of interests. the wage-earner trying to get as much, and the employer to pay as little as possible. Not that these motives ever wield exclusive sway; generosity, sympathy, heedlessness and many other incentives of human action are present to counteract calculation and greed of gain. All these motives are largely influenced by the changes which the form of wage undergoes.

The most important of these changes is the first. that which substitutes for the direct bestowal of all the necessaries of life one single object, whose nature is such that everything else can easily be obtained for it by way of exchange. In minor contracts the object in question is usually *grain*, which can readily be measured out in small quantities as required. In larger transactions, the same purpose is served by *cattle*, whose transportability renders them especially suitable for commercial purposes. Hence the estimation of a man's wealth, or of large payments, in terms of cattle droves is

often continued into an age that is fully familiar with other means of exchange.<sup>1</sup> Chief among these—when once a sufficient amount of them has been amassed—stand the *precious metals*. They combine the advantages of both the original means of exchange, grain and cattle. They are divisible as required, and admit of the easy transportation of large values.

So long as wages consists in the bestowal of the immediate necessities of life, it has no means of rousing the workman to the full and strenuous exercise of his powers. And the introduction of the natural means of exchange makes little difference in this respect; any considerable property in grain or cattle is still the exclusive privilege of the man of rank, and wholly out of the reach of the wage-earner. The use of the precious metals excites a keener desire for gain. Inasmuch as they can neither decay nor be directly consumed, even the artisan, working for wages, acquires by their means that provision for the remote future which had hitherto been the prerogative of the landowner. Here too, therefore, good and bad results are found in intimate connection. On the one side are the moral injury that follows from the restless pursuit of wealth and the selfishness that is fostered by the acquisition of money, on the other are equally obvious advantages,—encouragement of individual talent, the care for the future that takes a man beyond his immediate interests, and the increased independence of the individual that comes with increase of possessions.

This development of trade, consequent upon the develop-

<sup>1</sup> The Latin *pecunia* (from *pecus*) contains a direct reference to cattle as an original means of exchange; and *stipendum* (connected with *stipula*, a corn-stalk) may perhaps indicate the use of grain as legal tender. The German custom of drawing lots with corn-stalks, and the Roman practice of the *festuca* at the liberation of slaves may also have their root in the same idea. Cf. PICTET, *Origines indo-europ.*, II, p. 425. On the other hand it is possible that in these cases we simply have words derived from the same original root, as CURTIUS supposes. *Gr. Etym.* 5 Aufl., p. 214.

ment of the means of exchange, has a very definite reaction on the division of labour. The increased opportunity for acquiring wealth, taken together with the growing struggle for independence, leads the artisan by slow degrees to direct his efforts upon tasks which in the preceding stage of social evolution were performed at home by mistress and maid-servant. The desire to outdo others, too, tends to limit him to one special kind of skilled labour a limitation all the more necessary since the number of workmen and the amount of work to be done are steadily increasing. Nor is this all. There is still one more advance to be made the last step in this complex development where wages arise from labour and the form of labour is changed by the appearance of wages, and a step that occupies a long time in the taking. It consists in the extension of the idea of labour to cover work done not by the individual for the individual, but by the individual for the community. When this point is reached the idea of wages is well started on its way to honourable recognition, it gradually shakes off the contempt that attached to its first origination, and still attended it even when the conditions of the offer and acceptance of pay had radically changed. Free labour had arisen out of slave labour; and the idea of dependence was thus associated with work done for wages, and made it seem unworthy of the dignity of a free man. We can readily understand that this idea of humiliation would appeal to the mind with special force whenever a form of work that had hitherto been done without payment came under the head of paid labour. Thus the Greeks felt it to be a degradation that the Sophists should take money for instruction in philosophy. And the Romans of a much later time thought it dishonourable to receive payment for any intellectual work or public service. The example of the Greek teachers slowly undermined this idea; but its after-effects have not wholly

disappeared even at the present day. A certain support is always lent to it by the thought that the value of intellectual labour and public service cannot be estimated in money, that the payment made is not the equivalent of the work done. Really, this idea of the significance of pay is a survival from the primitive times of trade by barter. The payment made in wages can never be the equivalent of the *product* of work, but merely a substitute for the necessities of life requisite to the accomplishment of it. This view is borne out by the original form of the wage-contract, in which the wages consists in the direct bestowal of the necessities of life required by the free workman during the continuance of his labour. On the other hand, however, primitive wages falls also under the general heading of barter or *exchange*. The artisan supplies the indispensable household utensils and farm implements; the landowner repays him by furnishing the means of livelihood. An exchange of this kind presupposes the equivalence of pay on the one side, and product of labour on the other, and so the idea necessarily arises that work and wages are of equal value. Where for any reason this idea cannot be entertained, therefore, the acceptance of payment is felt to be discreditable. The minstrel who, by the recital of his poem, adds to the pleasure of the feast receives a gift of honour, not pay. State commissions and municipal offices are looked upon as honorary positions, to which only the wealthy can aspire.

It is truly a revolution in ideas that has changed this primitive view, which restricts the idea of work proper to the manual labour expended upon the production of the sheer necessities of life, into our modern way of thinking, which regards the 'wages' of the artisan, the 'consideration' offered to the poet and author, the 'salary' of the official and even the sovereign's civil list as all alike compensation for work done. The different names for different forms of

payment—salary, consideration, etc—unmistakably suggest their origin from the free gift. In every case the course of change, as we should expect from what we know of the origin of wages, has been from below upwards. At first the inferior official, whose position is scorned by the wealthier aspirant, receives a modest salary, and the wandering minstrel and the 'occasional' poet place their art at the service of the rich man for a stipulated sum. And so the process continues, until the system of salaries and remunerations has extended to all stages of all professions. The old class-distinction between a higher kind of work that took no payment and a lower kind done for the sake of pay gives way before the struggle of needy talent to win recognition in the world. Whereas the standard of compensation within a given community—though subject, within certain limits, to irregularity and fluctuation—was originally very much the same for all forms of labour, it now varies with every variation of social position. 'Wages,' in some form, furnish the richly-spread table of the high dignitary and the scanty loaf of the day labourer. As pay is not the equivalent of work done, but a substitute for the necessities of life that the doing of work requires, its amount is regulated, in the first instance, simply in terms of these necessities, and not by regard to the value or extent of the work itself. The minister of state receives a higher salary than his secretary, the professor is better paid than the day labourer, not because the work done differs in intrinsic value, but because certain work necessitates a more expensive manner of living. Here again, however, we have confirmation of the rule that the ends attained are not the same with the impelling motives. No administrative organisation, however elaborate, could cope successfully with the problem of determining amount of wages by amount of the necessities of life which the nature of the work demanded. The adjustment follows of itself from the

conditions of living. The higher forms of labour presuppose years of preparation, the continued use of numerous and complicated instruments, and therefore a greater expenditure of life and life's energy. But these same conditions mean, of course, that the capacity for the higher forms of labour is less often found, and therefore more highly prized, and that it is only the prospect of a livelihood generous enough to repay the expense incurred in the acquisition of the necessary skill and competency that rouses emulation in the higher fields. There can be no doubt that the balance between work done and the necessities of life essential to its doing is never exactly struck. The needs of the moment, the vagaries of taste and fashion, popular prejudices, and what not, are often enough of greater weight for the estimation of the higher forms of work than the intrinsic value of the product. At the same time, this self-regulation of motives can lead in course of time, as nothing else can, to an independent appreciation of values, manifesting itself in all sorts of compensatory arrangements, introduced for the most part under the protection of the state and primarily intended for the requital of public services. Even now we regard it as an abuse if the state is guided in the payment of its officials by considerations of supply and demand rather than by an independent estimate of the mode of life demanded by the office, and no one who has insight enough to read the future in the light of the past will doubt that the adoption of the same standpoint in matters of private contract is simply a question of time. For here, as everywhere, the state cannot confine itself to just dealing in its own business matters: its first duty is to see that no injustice is done by the individuals who enjoy the advantages of its protection.

The influence of this development in ethical regard can hardly be exaggerated. Originally a means of utilising the strength of the poor and the oppressed to minister to the

needs of the powerful, wage-payment has become a vehicle for the distribution of goods, the aim of which is to assure every man in the mode of life that accords with the character of his work. The generalisation of the wage-principle has ennobled work and wages both; and by breaking down the barrier between the master who need not work and the dependent who must, has grown to be one of the most powerful means of promoting social equality. True, equality, even in the most ideal human society, can never be anything more than an equality of the outward conditions of the competition for work and wages. The different levels of work, and the corresponding differences in the value set upon it, will always retain their significance. And even this equalisation of the external conditions of competition is an ideal to which human society may approximate by slow degrees, but which it will, perhaps, never entirely attain. For it is a necessary result of that increasing care for the future, which is so intimately connected with the development of the more perfect forms of the wage-contract, that the wages received is not expended outright for immediate support, but in part transformed into *permanent property*, for the future maintenance both of the wage-earner himself and of his descendants. In the consequent accumulation of capital we have a never-failing source of inequality in the conditions under which different men set out upon the path of life. It is made easier for some, harder for others, to procure the instruments of remunerative work; while a small minority are enabled to live idly upon the fruits of the labour of earlier generations, or, through it, upon the labour of their contemporaries.

It would be a most serious blow to individual freedom, a blow that would paralyse one of the most powerful incentives to human activity, should we attempt by violent means to abolish this source of inequality, on the plea that a man's own merit or demerit should determine his position in life.

But the more progressive a society, and the more energetic its members, the more evident becomes the working of that mechanism of self-regulation which here, as before, gradually removes all injurious consequences. Inequality of bodily and mental powers will always lead to difference in the value of the work done, a difference whose effects transcend the limits of the individual life. But the quicker the waves of the social movement,—the quicker, *i.e.*, the rise or fall of the individual according to the measure of strength that is meted out to him,—the more dependent are the favours of fortune upon the character of him who receives them. Of high import when found together with talent and ability, they soon lose their power without such reinforcement. Fortune is a factor that can never be eliminated from human life. If its material form should be abolished, it would still remain in those endowments of character which, as things are, tend constantly to produce inequality of material possessions. It would be depriving life of a part of its most valuable contents should we do away with that struggle of individual talent which cannot be maintained without the stimulus of material success. It is true that this has no moral value of its own. But as there is for man no intellectual truth and no æsthetic enjoyment save as they are mediated by the ideas of sense, so also there is no morality save as mediated by motives that are originally of a non-moral character. The effect outruns the motive, but is thereby itself by slow degrees transformed into motive. That egoistic motives may be eliminated in the struggle of interests, this struggle must evidently have begun: and for its beginning the egoistic motives are the one thing necessary.

The labour which originated in the compulsory work of the slave and the bondman, and developed into the skill of the free artisan, has gradually been elevated and extended

until it now includes every form of useful activity that is devoted to private or public interests. Not only has its average value been enhanced in this process; the slightest task accomplished in the struggle for the necessities of daily life has been ennobled. It has its place in the vast complex of active forces, in which not merely the inevitable struggle for existence, but everything that man does—his endeavour after the highest ideal and his effort to obtain the most material of material good things—is manifested in the form of labour. In this way a standard has been set up whereby we estimate the value of labour not by the character of its results, but simply by the relation which these results bear to the duty undertaken. And this moral common measure of the value of human achievement is helping little by little to give practical effect to an idea that first took root in religious soil,—the idea of a moral equality of mankind, independent of the outward conditions of living.

It must not be supposed, however, that this extension of labour to all the various departments of life ennobles merely the lower forms of work. True, it colours the humblest actions with the thought of fulfilment of duty in the service of life; but this same thought does not penetrate the higher forms till after they, too, have been brought under the general head of labour. The chieftain of the heroic age regards a battle as an agreeable exercise of his powers, and not seldom plans a hostile inroad from mere love of danger and adventure. The head of the patriarchal state regards it as a pious duty to hand over his inheritance of land and people to his son undiminished or, if possible, increased, but the thought of a duty that transcends these considerations of property is present to him only in dim and uncertain outline. The germs of loyalty, of fidelity to the duties of one's station, are here still latent, enveloped in the personal feelings of love for home and race. Not until the development of

custom had gone so far that labour was raised to the dignity of free service, and then extended to every form of useful activity, did the ideal of a moral community, where activity and a loyal discharge of duty are the conditions of life, become a fundamental and all-pervading principle.

The highest form of human activity is now not simply an agreeable exercise of the bodily or mental powers, but—like the humblest work that ministers to the necessities of life—a conscientious fulfilment of duty. But it has not therefore lost the pleasurable effect that constituted its old-world attraction. On the contrary, it has communicated something of its own attractiveness to the lower forms of labour, in direct proportion as these have grown to be free manifestations of men's powers, instead of the grudging outcome of fear and coercion. This pleasurable effect, which makes work enjoyable and changes coercion to inclination, brings to birth a new form of human activity: work gives rise to *play*.

(b) *Play*.

Play is the child of work. There is no form of play that is not modelled upon some form of serious employment which naturally precedes it in time. For work is one of the necessities of life. But since in working a man gradually learns to enjoy the exercise of his powers, work itself becomes a matter of free choice, and the pleasure which it affords incites him to repeat it, in such form that the burden and danger are reduced to a minimum and, if possible, nothing but the enjoyment left. It is then easy to add to the original pleasure by a rapid alternation of different forms of activity. Play thus gives up the utilitarian purposes of work, and makes the enjoyment which is but a secondary consequence of its prototype its own chief aim. A further result of this change is an imaginative transformation of

work, animated simply and solely by the new purpose of pleasure, and accomplished, for the most part, by the enhancement of pleasurable emotions due to their rapid alternation.

From the earliest times there was one constituent of human labour the nature of which made it eminently suitable for repetition in less serious form. This is the *ritualistic* element, which in a primitive age enters into the most varied kinds of occupation, and soon raises itself to the position of a separate obligatory act. Religious worship is closely associated with the love of ornament, and by thus 'awakening the æsthetic sense becomes a source of enjoyment which stimulates to its less serious repetition. It is in this way that the first class of games arises, the games which we may term from their origin *ritual* games. They are undoubtedly among the oldest forms of play, but have undergone very considerable changes in the course of time,—so that not only is the element of ritual which they contain in most cases entirely unrecognisable, but the games themselves have become greatly degenerated and divorced from their original purpose as games. Here belong, in the first instance, the *games of chance*. Traces of the religious significance of the drawing of lots are still clearly preserved in popular superstition. Curious to lift the veil of the future, man believes that the lot drawn or the die thrown brings him a message from heaven: the gods, who control all things, must guide his hand in drawing and throwing. As the religious idea dies out, chance takes the place of divine guidance. The pleasure of alternate hope and realisation makes the questioning of fate an agreeable pastime; and a new motive, the thirst for gain, soon lends it an additional attraction.

Another group of these ritual games may be called, from their origin, *ceremonial* games. They are religious ceremonies secularised for purposes of amusement. Here belong the

dance, the march, and many children's games, in which the essential factor in the enjoyment is the pleasure aroused by regular rhythmical movements performed in unison, especially when accompanied by music or singing. *Music* itself is nothing but a game of this order, so highly developed that it has grown to be a form of art. True, the pleasure in dancing, singing and listening to music is so pronounced, and the impulse to express all the deeper emotions by their means—whether the aim be to intensify the feeling or to allay it—appears so early, that there is now but small hope of determining the point at which their secularisation began.

The second important class of games is composed of *work* games. These are less serious repetitions of phases of human labour. The tasks copied are not those necessary for the satisfaction of the needs of daily life, but rather the labours whereby man strives to assure his hard-won gains from hostile rivals. *Combat*, which calls out a man's full powers and gives a high distinction to the victorious contestant, was a form of serious sport in immemorial ages, and, like its peaceful counterpart, the chase, regarded not as work but as an agreeable exercise, the privilege of the free man over the slave labourer. Fighting in sport is without any doubt almost as old as fighting in earnest. The chiefs of the heroic age amuse themselves in the intervals of serious warfare with prize contests. The prize combat forms the nucleus of common national festivals, and is the principal attraction at every important memorial celebration, more especially at the burial of chiefs and heroes. The peculiar charm that lies in the joy of battle has led, further, beyond the prize combat—the true copy which not seldom has much of the fatal seriousness of its original—to all sorts of remoter and less dangerous imitations. Among these are, *e.g.*, all *gymnastic* and *athletic* sports, in which some one physical exercise is selected from the total sum required by actual

fighting, and made the object of friendly rivalry. Here belong, further, all games of the type of nine-pins and draughts, games of immense antiquity, in which stones are cast or wooden figures change their places in obedience to definite rules of combat. Thus the *Odyssey* tells us that the suitors of Penelope passed their time by help of a kind of draughts. The result of the game depends partly upon shrewdness and partly upon mere chance: both of them factors which combine with the rivalry of physical strength and dexterity to make real fighting so much like play

The gradually increasing value set upon the humbler forms of work is placed in a new light by the fact that the course of development of work and play takes diametrically opposite directions. Labour meant at first merely the work necessitated by the struggle for daily bread, and gradually widened to include the higher and freer forms of human activity. [Play begins with these freer and more play-like activities, and gradually widens to include the humbler tasks of life: a sure proof that even the commoner forms of labour are now part enjoyment, and only part toil. The play impulse manifests itself in the most varied ways, and covers the most diverse forms of human activity, in *children's games*. The child does in play what he will some day do in earnest in his chosen profession, and what he sees others doing around him. He learns in play to find pleasure in work. Inclinations and talents gain opportunity for expression, and so the choice of a future occupation is made easier an advantage which becomes the more important the more the child's natural endowments outweigh family tradition in deciding his career. Hence the games of childhood are no idle pastime, but rather one of the most important means of education, means that we should choose and vary with constant reference to the harmonious development of body and mind.]

Now this special kind of play, which consists in a less serious repetition of the real work of life, does not by any means lose its value even when childhood, the 'proper' time for play, is passed and over. It simply changes its forms in accordance with the changed needs of life. Bodily exercise is of no importance to the mature man; and mental gymnastics, too, has lost most of its value as moulding the intellectual faculties. (All the more necessary is it that those who are engaged in ~~the~~ real struggle of life should have their minds raised above the trifles of everyday existence, and their character steeled against the influences that are always tending to change the pleasurable discharge of professional duties into a disagreeable routine. The need is met, fully and completely, in the field of art.) The ancients saw clearly that the enjoyment of artistic creation is as indispensable to the mature mind as play is to the child, and ought therefore to be as universal. We moderns, oppressed by a theory of life that finds in work nothing but toil and struggle, have let this truth escape us. (Thousands are to-day cut off from the elevating influences of art by necessity, and thousands dispense with them from choice. It is to be hoped that all this will change, and that dramatic art in particular—the art which copes most directly with the problem of exhibiting the serious side of life in less serious form, purified and perfected in the refinery of artistic expression—will soon regain the place in popular estimation that it once actually possessed. Language has good reason for terming the finished product of dramatic art a 'play.' For we may say more truly of the drama than of any other form of art, that its object is the less serious repetition of the affairs of real life, and thus closely akin to the object of children's games. On the other hand, its power of combining the critical experiences of a lifetime into an artistic whole makes it a means of moral education which reacts

upon our personal attitude to the problems of life, ennobling labour and purifying motives.

To make the parallel still more complete, the objects of artistic presentation have in the course of centuries undergone a change whose details show an exact accordance with the extension of play to the various departments of life. Art, like play, begins with the higher things of life: the exaltation of the deeds of chief or hero, the depiction of the tragic overthrow of powerful dynasties, are at first the only subjects which it deems worthy of interest, or calculated to raise the mind above the round of daily duties. It is not until ancient civilisation has passed its culmination, and the wealthier classes of society are surfeited with overabundance of enjoyments, that art steps down now and again into humbler circles, where men have not been touched by the luxury of their social superiors. But idyllic poetry, which owes its origin to this search for contrast, was usually so far removed from things as they are that the life it portrayed could not be accepted even as an idealisation of reality. It was left for the present age to spread the glamour of poetry, little by little, over all departments of life. Modern art has found a moral and æsthetic value in every form of earnest discharge of duty, and, itself the result of a changed view of life, has thus helped on its part to extend and establish the new order. For the artistic exaltation of the tasks of life is of infinitely greater service than the acknowledgment of their practical import to awaken a sympathetic interest in others' lives and to enhance the value set upon human labour as such. This extension of aim, which is equally characteristic of all the forms of art, has not seldom received explicit recognition upon its moral side,—ostener in poetry than elsewhere.<sup>1</sup>

<sup>1</sup> It must suffice here to remind the reader of the moralisation of Diderot's domestic drama *Le fils naturel*, and of Gustav Freytag's first romance, *Soll und Haben*, where the author expressly sets himself the task of 'paying the German people a visit at their work.'

This is the conclusion of a development whose earliest stages are lost in the mists of mythical antiquity. The æsthetic sense was first exhibited in the adornment of images of the gods, and in ceremonies of religious worship which were accompanied by song and dance. All art is, therefore, religious in origin. But it has gradually taken to itself every department of life, so that the most potent of the arts—epic and dramatic poetry, and various branches of the plastic arts—have now made the *work* of human life, in all its manifold forms, their special subject. And in this evolution, too, art is a copy of the life which it portrays. For the beautifying of life and the deeper moralisation of its tasks have everywhere had their source, as the history of custom plainly shows, in religious ideas and the ceremonies of religious worship.

(c) *Polite Manners: Personal Deportment.*

The expressions *gesittet* (mannerly) and *sittlich* (moral), closely as they resemble each other in sound and form, really stand very much in the relation of outside to inside, of clothes to the man beneath the clothes. 'Mannerly' is what is in accordance with social custom, 'moral' is what accords with the universal norms of morality. Hence, by 'polite manners' we understand the conduct of an individual life in accordance with the rules laid down by custom, as shown especially by personal deportment in face of the outward changes and chances of life, and by considerateness in intercourse with others. The forms of social intercourse, which we shall have to speak of later on (pp. 216 ff.), form part of 'polite manners' in this wider sense of the phrase; so that we can divide the topic under the two heads of *personal deportment* and *behaviour to others*.

There is nothing that shows the influence of civilisation upon the individual so plainly as his attitude to the vicissi-

tudes of life. Primitive man expresses his joys and sorrows, all the emotions of the moment, without reserve or attempt at self-restraint. Homer's heroes make their pain known by loud outcry, and even in the Attic period the tragic poets try to awaken the sympathy of the spectators by the lamentations of their heroes. Nevertheless, the principle of moderation in all things had by this time begun to exert a certain influence upon personal deportment.<sup>1</sup> But, as Lessing has remarked in the *Laocoön*, the idea that the dignity of manhood requires a firm bearing in all the changes and chances of life, and especially a tranquil endurance of physical pain, played an incomparably greater part in the Roman mind than in the Greek. It is from Rome that the fundamental rules of personal deportment received the negative stamp which is characteristic of them at the present day. To avoid anything that might too strongly attract the attention or arouse the feelings of others, and therefore to show an unmoved front in good and evil fortune, to repress joy as well as pain, and to control the passions,—this is the maxim which custom now bids us follow. It makes no demand for apathetic indifference, whose unnaturalness would be shocking; but for a restraint of emotion, not carried far enough to throw doubt upon the existence of natural feelings, but yet sufficient to shield others from impressions that might disturb their equanimity. Once originated in this way, however, the idea of polite manners soon acquires a wider range. Not only can thoughtless words and unbridled emotion offend us: every mode of unaccustomed behaviour—so great is the power of habit over us—will be felt as offensive. Hence polite manners, in the wider sense, forbid not only what is materially displeasing, but also what is

<sup>1</sup> For evidence of this fact see L. SCHMIDT, *Ethik der Griechen*, II. pp. 418 ff.; for the same characteristics in the Homeric age, cf. BUCHHOLZ, *op. cit.*, III. pp. 344 ff.

formally objectionable; things that in themselves would not offend us, but that by their discrepancy with the ordinary code of social demeanour draw upon them an undue measure of attention. The man who dresses in an entirely different way from his contemporaries and social equals, and the man who takes from the dish with hand instead of fork, are just as 'unmannerly' as those who burst into loud laughter at their neighbour's awkwardness, or talk obtrusively on every occasion of themselves and themselves alone.

(d) *Forms of Social Intercourse: the Form of Salutation.*

While personal deportment is always determined by consideration for others, still, the phenomena in which it is shown are of a purely individual character. Pleasure and pain may be felt by the isolated individual: though the expression of emotion would then, in all probability, be different from what it is in society, since regard for society would, of course, be unnecessary. It is this, on the other hand, that forms the distinguishing mark of those forms of polite manners which are expressed in one's demeanour to one's fellow-men, and which would disappear altogether if there were no intercourse with others. In personal deportment consideration for others is indirectly, in the forms of social intercourse directly involved, it constitutes, indeed, their sole motive, and finds adequate expression only in forms of outward demeanour. Of especial importance among these—they may vary to an extraordinary degree under varying circumstances—are the forms whereby man conveys to his fellow-men the sentiments of respect, of kindness and of friendship.

The most general method of expressing these feelings is by *salutation*. The root-meaning of the salutation, and a meaning which stands out clearly in its most colourless as in its most pronounced forms, is *respect for one's neighbour*. But

with this there may be combined all sorts of secondary ideas: friendship, kindness, condescension, humility, etc. Now it is plain that the most constant element in salutation at the present day, the *bow*, cannot be adequately explained from the feelings which now accompany it. Here again, therefore, it is necessary to go back for explanation to the conjectural origin of the custom. It has been attempted, from the genetic point of view, to account for the forms of greeting as survivals of the gestures whereby a man indicated his *peaceful intentions*. In an age when the stranger in the path might easily be a deadly enemy, it would be advisable in chance encounters to show one's friendly intent by gesture. Thus the offering of the hand would signify that it held no weapon, the uncovering of the head would show defencelessness, etc. Very many forms of salutation have been explained in this way: the Chinese custom of raising the hands, the crossing of the hands over the breast that characterises the followers of Islam, and the custom that prevails to-day in the East and in the dominions of African despots of the prostration of the subject in presence of the ruler. All these forms of salutation have so much in common, that they incapacitate those from whom the salutation comes for defending themselves or attacking others<sup>1</sup>.

Plausible as the explanation is, however, we must remember that the actual outcome and the original aim of an action do not necessarily coincide, and that their coincidence in the history of custom is extremely rare. Of course, this does not exclude the possibility that effects which follow a given action with a certain degree of constancy may afterwards, as occasion offers, be numbered among its motives. And this may have happened in the present instance, but there can be no doubt that, if it has, it is only by way of one of the manifold ramifications of which every primitive custom is capable.

<sup>1</sup> JHERING, *Zweck im Recht*, II. pp. 640 ff.

There is one form of salutation in particular, a form of very high antiquity, which entirely precludes any such interpretation as that given above. It is that of bowing down in the house of God or before his image. The attitude of prayer is an attitude of salutation, only that the customary token of respect has been raised to the expression of the deepest reverence and humility. And the same thing holds of the forms of salutation in which one man humbles himself before another, but the thought of evidencing peaceful intentions is as remote as it can well be: as when in the East, *eg*, the subject casts himself upon the ground before the ruler, or in the old Greek days the fugitive embraced the knees of his unknown host to implore protection. Now it is a rule of universal application in the history of custom, that where we find related usages showing all degrees of intensity the most intensive, those in which the strongest feelings are displayed, are the most nearly original. The further course of development is governed by the law that the feelings gradually grow weaker, and therefore their expression more moderate, so that in course of time new motives may find a place alongside of the old. If we apply this rule to the present case, we must grant that the sign of religious veneration bears all the marks of primitiveness. The form of salutation which comes nearest to it is that in which one man humbles himself before another. Indeed, this is oftentimes hardly distinguishable in mode of outward manifestation from the attitudes of religious self-abasement. And we find as a matter of fact that the sign of abasement before an earthly ruler has not seldom turned back again to become the sign of religious veneration. Reverence for one's fellow-man, if carried beyond due bounds, will lead of itself, in virtue of the close affinity of feeling, to his deification.

Beginning with the prostration of the subject before the

ruler, we have, now, in a progressively graded series, the subordinate's salutation of the powerful functionary, the artisan's modest greeting of the man of position, the bow exchanged between social equals, and finally the condescending nod or wave of the hand with which the prince replies to the lowly inclination of his servant. Pale and colourless as this last expression of respect may seem, nevertheless its difference from the obeisance of the subject to whom it is vouchsafed, and even from the expression of that deepest humility which man feels only in the presence of his God, is in the last resort merely a difference of degree.

A confirmation of this theory of the religious origin of salutation is to be found in the significance of the *forms of words* employed in greeting. Even to-day their religious reference is, in most cases, plainly discernible. They are one and all *prayer formulæ*, more or less obscured and curtailed by the progress of time<sup>1</sup>. The prayers are as a rule offered for the person accosted or saluted, but may in some cases be addressed to him: so, *eg*, the plea for protection, the humble obeisance before the ruler, and always and especially the religious supplication. In this last the customary relation between gesture and words of salutation is reversed; the spoken prayer is the important thing, while the attitude merely indicates the feelings which accompany it.

This peculiarity of the forms of words used in salutation is plainly not very favourable to the theory that the salutation itself is an evidence of peaceful intentions. It is a long step from the assurance of friendly intent to prayer; it is a much easier passage from prayer to the tokens of reverence and respect and friendship and kindness,—a graded series of related feelings for whose expression the gestures and the

<sup>1</sup> JHERING, 100, explains certain forms of words, in which the religious reference stands out with especial clearness (*Pax vobiscum, Gott sei mit Dir* [God be with you], *Adieu*, etc.) in this way, but does not extend the explanation beyond them. *Op. cit.*, p. 694.

words of greeting are still used to-day. Customs of so primitive a growth as salutation do not arise by way of reflection; and if now and again reflection takes possession of existing customs, it never has the power to extend them beyond the limited purpose that they subserve, and so to secure their continuance. Nothing but an original feeling is strong enough to produce expressions so concordant, and nothing but the continuity of feeling, persisting intact amid all change, can assure the varying forms of expression their constancy of character. We greet an acquaintance whom we meet to-day with words and gestures that repeat, in weakened form, the words and gestures wherewith in a remote antiquity man humbled himself before his God: and the reason is that the feeling aroused in the two cases is, in the last analysis, one and the same. As humility passed into reverence, reverence into respect, and this again into friendship and kindness, the gestures of salutation were moderated step by step; while the form of words changed from the prayer addressed *to* the person saluted to the prayer offered *for* him, and was finally transformed into a simple formula of good will, whose only mark of origin lay in its linguistic expression.

There is, however, one form of salutation which not improbably had a purely human origin,—the *hand-clasp*. But here, again, the primary significance is not the assurance of peaceful intentions, but pledge and compact.<sup>1</sup> The mutual clasp of the right hand or, on especially solemn occasions, of both hands is so natural a symbol of the *bond* which is here to hold man to man, that we can readily understand its wide diffusion, particularly among the Semitic and Indo-European peoples. At the same time, the hand-clasp, too, has its religious import. It is the right hand that is employed in symbolic confirmation of the oath, the oath-taker lays his

<sup>1</sup> J. GRIMM, *Deutsche Rechtsalterthümer*, 2 Ausg., p. 138.

right hand upon the object that he holds most sacred - the sword-hilt in heathendom, in Christian times the crucifix or the reliquary. The Jew, whose whole conception of religion was that of a covenant between God and man, made the hand stretched forth from the cloud an indispensable attribute of Jehovah, when in despite of the Mosaic command he made himself an image of his God. Hence even if the hand-clasp was originally the sign of certain human relations, we shall still hardly be wrong in supposing that the sacredness of the promise which it ratified had its root in this religious reference; so that the gesture may have been felt as at once the symbol of compact and of religious vow. Then, here as elsewhere, the two meanings grew gradually obscure, until in the ordinary form of salutation the hand-clasp has become a general sign of simple friendliness.

#### *The Ethical Significance of the Forms of Social Intercourse.*

We do not need here to enter in further detail upon the various phenomena which bear witness to consideration for others over the whole range of social intercourse.<sup>1</sup> The forms of salutation may stand as a typical instance, differing only in greater antiquity from many other forms of courtesy. But this means, of course that the development of these other

<sup>1</sup> JHERING has given a very discriminating account of all these phenomena in the second volume of his *Zweck im Recht*. The only point upon which I feel bound to differ from him is his endeavour to trace the origin of all customs to a knowledge of their social utility. Such a procedure leads inevitably to the substitution of our own ways of thinking for those of primitive man, although the facts to be explained are, as a matter of fact, wholly inexplicable from the modern standpoint. No one could invent the forms of salutation to day, any more than he could language or the state. In other words, Jhering seems here to have transferred to the domain of historical ethics something of the error of the old theories of natural law, which he himself criticises elsewhere with so much penetration. His analysis of the forms of social intercourse is admirable, so far as it relates to motives and their consequences at the present day, but pays far too little attention to the actual development of the phenomena in history.

forms dates, as a rule, from a later period, and the late origination is rendered possible, in its turn, by the fact that all of the customs in question constitute means of expressing similar feelings. We begin our letters with an assurance of esteem, and close them, just before subscribing our name, with an expression of respect; we give our friend the precedence as we leave the house together, modern languages use the plural form of address, 'your,' 'you,' *Ihr, Sie*, etc., instead of the simple 'thou,' *Du*, etc., while the Chinese, if he speaks of himself in conversation, endows himself with the humblest attributes that he can think of: and these things are one and all translations of the more or less lowly obeisance of salutation into another form of symbolism better suited to the particular occasion. Some of them, therefore, may quite well originate at so late a period that the primary motives of the custom are not directly operative in their production. Indirectly operative, however, they are and must be, for no new forms arise that are not felt to be the fit and proper supplements of the old. The development of custom is like the growth of a tree that is always sending out new shoots; these receive their nourishment, in the first instance, only from the branch on which they have grown, but are none the less really connected through branch and stem with the root itself. In the case before us the root is formed by religious feelings and ritualistic ideas, which stand in an extremely close relationship to the feelings of humility, reverence and respect, the foundations of all the customs now under discussion.

As exhibited in the forms of social intercourse, these feelings are very certainly not the feelings of primitive man. In the savage state, man has no consideration for his fellow-men, least of all, the consideration which shows itself in the mark of respect voluntarily paid to an equal. On the other hand, it is wholly inconceivable that the rules of social

intercourse should have come into being unless the germs of their future development had existed from the first. Now the earliest motive that humbles the will, that causes it to bend before a stronger power, is fear of the forces controlling the course of nature and human destiny. The attitude of submission induced in this way is then carried over to human relationships. First of all, it is adopted towards those members of society who are distinguished by some special power and authority; then comes by slow degrees to be taken up towards equals, and is finally assumed, to a greater or less degree, towards man as man, without regard to rank or position. So arises the fundamental rule of social intercourse: to treat one's neighbour with respect, and show reverence where reverence is due, without derogation from one's own dignity; but always to put oneself as little forward as circumstances will allow.

Custom does not always observe the limits indicated in this rule. It cannot always strike the balance between self-respect and respect for one's neighbour. A tendency to exaggeration is inherent in the very nature of courtesy. In bidding us respect the dignity of man as man, the rules of politeness cannot fail to conflict at times with our moral estimate of a particular individual. And as we are thus obliged in many cases to regard the conventional expressions of respect and courtesy as forms which have far outrun their contents, it is natural that we should cease to expect any definiteness of relation whatsoever between form and contents in the matter of polite usage. Fortunately, habit blunts our sense of the exaggeration, and so makes it harmless. What is looked upon by one age as right and proper may, therefore, appeal to a later time, when the habit has died out, as simply ridiculous. Thus the 'most obedient humble servant,' the *in Demuth ersterbender Diener und Knecht* of the letters of the last century seems to us to be

tasteless exaggeration, and it is possible that future generations will speak of our prodigal use of 'faithfully' and 'sincerely,' of *Hochachtung* and *Ergebenheit*, in precisely the same way. This power of habit, which makes it the silent corrective of formal exaggeration, keeps the inner meaning of the forms of social intercourse approximately unchanged over relatively long periods of time. It is only the great epochs in the development of civilisation that show any considerable difference in this regard. We have already mentioned the three principal stages: in the first, the signs of respect are shown only by the *subordinate* to his *superior*; in the second, they are also current between *equals*; and in the third, regard is had by all to all

This extension could not have taken place had not the original motive been gradually transformed and associated with new motives. The earliest motive is *fear*. As man first fears his gods, then reverences, and finally loves them, so it is fear that bends the back of the slave when he appears before his master. Only under the influence of milder customs, when a bond of attachment has grown up between all the members of the same household, is this feeling of fear moderated to the feeling of *respect*. And now comes the change. Fear has lost its force; so that if respect is to be extended to equals, and even to inferiors, new motives must arise to take the place of fear. One of these, evidenced in *personal bearing*, is found in the desire to repress all show of egoism in order not to derogate from one's own dignity. As respect originates from fear, so from the effort to maintain personal dignity there gradually arises a desire not to make oneself disagreeable in intercourse with others by the obtrusive assertion of one's private interests. The restraint that a man imposes upon himself by this repression of his personal feelings is not the result of reflection; he does not argue with himself that the most agreeable intercourse

demands from everyone a certain measure of self-restraint: this is the result, not the motive of the custom. On the other hand, the unpleasant sensations which fall to the lot of the man who is always putting himself forward will naturally serve, from the very first, effectively to regulate the intercourse of social equals. The *effects* of respect are thus originated before respect itself has become the actual motive of conduct. But the effect is gradually transformed into a motive, though it does not oust the earlier and lower motive, the wish not to offend others by the obtrusion of one's personal concerns. By degrees, however, this is itself modified: it receives a specific colouring, imprinted on it by the rule of social intercourse, self-restraint is felt to be right and proper less because its opposite may lead to unpleasant conflicts than because obtrusiveness offends against custom. Although the modified motive is not intrinsically so strong as the original desire, it is nevertheless more effective. The primary motive is not always present; it gives way only too easily under the pressure of egoistic interests. The heroes of the *Iliad* and the *Nibelungenlied*, heroes as they are, not seldom lose all consideration for others, both in word and deed, when the storm of passion is upon them. But custom is ever on the alert, and the power of custom grows greater and greater the more it permeates individual habits of action. Then, when once the symbolic expressions of respect have found general acceptance among the rules of intercourse of social equals, there is nothing to prevent their further extension, in suitably moderated form, to intercourse with inferiors. The general motive of respect for our neighbour, supported as it is by the natural impulse to give some sign that we have noticed the mark of respect paid us, is enough to assure the spread of the custom. This is why the language of courtesy distinguishes the salutation from its acknowledgment. But as the salutation itself may consist

of marks of respect of all degrees, from the highest down to the nod which symbolises the bare fact that we have noticed the presence of another, the acknowledgment of the salutation by gesture must naturally be another salutation.

The ethical significance of the forms of social intercourse is told with the tale of their development. It is twofold. On the one hand, good manners in all its forms—whether as personal dignity or as courtesy in intercourse with others—is an *indication* of moral ideas, an indication whose value increases the more evenly balanced are the two components of individual demeanour, the maintenance of one's own dignity and the repression of personal interests. It also moderates the tendency to exaggeration inherent in the forms of courtesy. Secondly, however, good manners is one of the most important moral *results* that the progress of civilisation brings with it. It has its source in motives whose intrinsic ethical value is very slight. But the change of effect into motive, the psychological lever that moves the whole development, has meant a constant gain in moral value. And this again has a most important consequence, as little foreseen as was the other, yet from the standpoint of objective consideration hardly to be overestimated. It is this that while the rules of good manners and of social intercourse possess at first merely a *formal* significance, their repression of the outward signs of inconsiderate selfishness, and their constant emphasis of regard for others as the norm of social demeanour, give them a lasting control over the *inward disposition*. More urgently, because more unremittingly, than sermons on morality and disquisitions on the moral law, they exhort every one of us to leave selfishness and respect his neighbour's rights.

Here, again, it is the *religious* factors that constitute the most important of all the aids to moral evolution, whether found within or without the sphere of morality itself. The

motives of utility, to which we are apt to ascribe the highest value when we are measuring events by the standard of our own reflection, remain at first completely in the background. If they are operative at all, it is in a different way from what we know,—mostly in the form of fear: fear of the fatal consequences of divine anger at the violation of ceremonial rules and religious commandments. Every expression of social life is pervaded, in a primitive age, by the thought of that other world, supersensible and yet sensibly conceived, upon which man must own his dependence alike in good and evil days. The endeavour to represent the ideal world by likeness and symbol within the world of reality called forth men's sense of the beautiful, and in a later age made it serviceable for the purposes of every-day life. Community of religious worship awakened pleasure in a common life, and through the regard for others that this life made necessary placed a bridle upon the selfishness of the individual impulses. The feelings of veneration and humility, rooted in man's fear of the divine power, were transferred to men whose physical and mental greatness rendered them admirable, and later still, under the influence of common living and common work, gave birth to the purely human impulses of respect and kindness. And with the development of these moral impulses a moral contents is gradually instilled into the *forms of human society*. Originated by the pressure of physical necessity, the social forms of life, under the influence of the individual forms and side by side with them, have passed out of the *pre-moral* into the *moral* stage of the life-history of man.

#### 4 THE FORMS OF SOCIETY.

##### (a) *The Family and the Tribal Union.*

As the family is the smallest of the associations that make up human society, it is ordinarily supposed to be that of

earliest origin, and the tribe or clan and state or nation are thought to have grown out of it, as if it had widened in concentric circles. And as the family union is rooted in the universal natural impulses, the sexual impulse and the impulse of parental love, the theory seems at first sight obvious enough. Nevertheless it is not borne out by the facts. The farther we trace the history of the family the less secure do its foundations become, the less evidence do we find of an indissoluble marriage and of its prime condition, abiding conjugal affection. If the counter-theory put forward by certain anthropologists—the theory that agamy, a state in which marriage and the family are unknown, is the natural condition of man—is too sweeping in its generalisation, still there can be no doubt that the significance of marriage is far outweighed in the earlier stages of civilisation by that of other forms of social connection, and that its moral value is consequently far from high. Nor is that to be wondered at if, as is highly probable, the *polygamous* form of marriage preceded *monogamy*<sup>1</sup>. Far more influential than the family in primitive times, and of far higher value in ethical regard, was the *tribal union*. Even at the present day its social significance is greater than that of marriage among many savage races, and its original importance for the civilised peoples is proved by numerous survivals in language and custom.

Many theorists besides Hobbes, in constructing a philosophy

<sup>1</sup> The hypothesis of an original agamic state, first proposed by J. J. BACHOFEN (*Das Mutterrecht*, 1861, Preface), and adopted later by English and German investigators like Lubbock, McLennan, Post and others, is merely an auxiliary hypothesis, employed by Bachofen to explain the phenomena of the mother-right (see *infra*, pp. 232 ff.). Since these phenomena, as we shall see later, can easily be explained in another way, the hypothesis is of doubtful value, although its rejection must not be taken as a denial of the occurrence of savage or decivilised societies to which the institution of marriage is unknown. Cf. the evidence collected on the point by LUBBOCK, *Origin of Civilisation*, 1889, p. 69, and Post, *Die Geschlechtsgenossenschaft der Urzeit*, 1875, pp. 16 ff. For the forms assumed by the primitive family, cf. L. H. MORGAN, *Ancient Society*, 1878, pp. 383 ff., 498 ff.

of law and of the state, have assumed that man once lived in an *isolated* condition. But apart from a few individual aberrations, occurring as abnormal phenomena in a highly developed civilisation, the assumption finds absolutely no support in fact. The state of war that Hobbes makes the precondition of human society is doubtless a true enough picture of man's primitive state; but the war was always a war of tribe with tribe, never of individual with individual. Tribal feeling not only blocks the way to a more comprehensive organisation, the formation of a state or nation: it is equally an obstacle to the narrower organisation of the family, checking the growth of any family feeling. The tribe, the sole guarantor of the little that there is of law and order, lays exclusive claim in return to the service of its members—or rather of its *men*. Where physical strength is the quality most esteemed, the value set upon the woman is exceedingly small. True, the wife gradually takes a higher place in tribal estimation; but she does so only for the reason that she is, so to say, the living embodiment of the blood-relationship which binds the tribesmen together. In *ethical* regard, then, the tribe is the original association. Diverging lines of development lead from it to the narrower circle of the family and the wider circle of the state.

We have two strong pieces of evidence for this original subordination of the family to the tribe: the absence of definite terms to designate the celebration of marriage in primitive languages, and the relatively late appearance of the religious ceremonies that accompany it. The common vocabulary of the Indo-European peoples contains a whole number of expressions for the various degrees of relationship. It has words not only for father, mother, brother, sister, son and daughter, but also, with very slight variations of meaning, for the more distant relationships of brother-in-law, father-in-law and mother-in-law, nephew and grandson.<sup>1</sup>

<sup>1</sup> PICTET, *Origines*, iii. pp. 28 ff.

This is in accordance with the well-known fact that among the lower races the remoter degrees of relationship are, as a rule, much more exactly distinguished and specialised than they are among civilised peoples.<sup>1</sup> The distinction is evidently far more necessary in a time when the individual family is still undifferentiated from the wider association of which it forms a part. The phenomenon is, therefore, a clear indication of the preponderance of tribal over family feeling. On the other hand, the lack of words for the family itself, for the institution of marriage, the marriage contract, the wedding, etc., shows how slight a value was placed upon the customs relating to the family proper. Even the languages of the Indo-European group have no common words of the kind; and though it would, of course, be wrong to conclude from this that marriage and the family life were altogether unknown to our ancestors, we may reasonably infer that their moral significance was comparatively small. The same thing is proved by the absence or meagreness of religious ceremonies in connection with the act of marriage. Varied and numerous as are the phenomena of custom that embody religious ideas, the sanctity of marriage begins only with the beginnings of civilisation. This evidence is all the more convincing since primitive man attaches the religious sanction to everything that appeals to him as possessed of any high degree of value: e.g., to many of the events of life that stand in close relation to the life of the family,—adoption, the entrance upon manhood, etc. True, we find certain marriage customs (*Gebrauche*) widely diffused in primitive societies, survivals of which have come down to a later civilisation. But these are one and all *non-religious* in character. The most important of them is the constantly recurring pretence of a fight for the bride, a reminder of the old time when a wife was seized by actual

<sup>1</sup> Cf. the instances collected by LUBBOCK, *Origin of Civilisation*, 1889, pp. 162 ff., and MORGAN, *op. cit.*, pp. 419 ff.

violence. The fight for the wife is again a plain indication of the low estimation in which she was held. It is but rarely that she herself is actively concerned in the struggle; generally the battle is waged with her relatives, as whose property she is considered. The same idea is evidenced in a second series of marriage customs (*Brauche*), where marriage is conceived of as a matter of *purchase*. The wife herself is here looked upon as the object of merchandise, and the husband buys her of her parents for a certain consideration.<sup>1</sup> The reverse custom, which assigns to the daughter on her marriage a portion of the common family possessions, a dowry, appears to date from a much later age, when family feeling had become a more potent factor in social relations. It is this feeling, too, that has gradually brought marriage under the *religious* point of view, and accordingly surrounded the celebration of marriage with various ceremonial acts. But it is significant that the religious ceremonies are not a development from marriage itself, but transferred to it by way of certain external connections.

Nothing, we may be sure, contributed more to the establishment of the separate family union than life within a single dwelling. This could not become a matter of regular custom, however, until the transition had been made to the settled life of the agriculturist. Under the new conditions it was natural, when the wife was led into the common dwelling, to call in her name upon the tutelary deities of the house, now to be her gods as well as her husband's. The marriage celebration thus becomes a festival, and one of its incidents a common meal with common sacrifice. In other words: when once the older custom of the fight for the bride has been replaced at the marriage celebration by a series of peaceful ceremonies, the religious character of the rite is

<sup>1</sup> WAITZ, *op. cit.*, II p. 110; v. p. 144. POST, *Anfänge des Staats- und Rechtslebens*, 1878, pp. 31 ff.

assured. It is the duty of the wife, as mistress of the house during her husband's absence, to tend the hearth fire; and this means that it is she who provides the daily sacrifice, and takes care that no particular of the worship of the household gods shall be neglected. So woman rises to the dignity of priestess of the house: a change of position which is of the greatest importance both for the increase of her own estimation and for the ennobling of marriage. Now it is the wife whose voice is listened to in all household emergencies, the mother who solemnly conducts her daughter to the home of the chosen husband, or receives the son's bride at the threshold of the parental dwelling. This is why the ancient Germans, Greeks and Romans made the tutelary deities of the household hearth goddesses and not gods. Hence, although marriage is *not* primarily religious in origin, the elevation of the marriage celebration to an act of religious significance gave to the conjugal relation a moral contents which it had not before possessed.

#### (b) *Mother-right and Father-right*

This direct result of the elevation of marriage into the circle of religious ideas is not its only consequence; there is another, indirect effect, whose value in ethical regard is equally high. The new view of marriage serves to destroy certain primitive ideas which, though adequate to the morality of a ruder age, would nevertheless in the long run oppose the complete and final moralisation of human conduct. Two ideas in particular—the one arising from primitive mythological conceptions, and the other from primitive notions of law—give way before it. The first of them makes *woman*, the second *man* the centre of the family. The two would, therefore, appear to be mutually exclusive; but as a matter of fact, thanks to that capacity for joining contradictions which is the universal prerogative of mytho-

logical thinking, may persist side by side for a considerable length of time, while their after-effects upon custom and moral conceptions are closely interwoven. We are not called upon to decide here whether the idea which sees in the mother the living embodiment of family unity is in all cases the older of the two,—so that (as many historians of civilisation have supposed) the alternative idea, which makes the father the centre of the family group, always follows it in time<sup>1</sup>. It is enough for our present purpose to recognise the fact that the motives from which the two ideas arose are originally parallel factors in the shaping of society, though later on they are to some extent blended and reconciled, probably under the influence of the religious sanction which, as we have seen, came by slow degrees to attach to the marriage rite.

The forms of marriage and of family life are thus originally determined by two distinct sets of ideas. The first and (at any rate, where the two occur in the same society) the older of these has its root in the idea of *blood-relationship*. It is an universal view among primitive races, and a view which continued into the heroic age of the civilised peoples, that the child is the child of its *mother*. It is dependent on its father, where the father is regarded as the ruling head of the family, but is not related to him by blood. These ideas are evidently suggested by the natural circumstances of birth and early nourishment, and will be especially persistent in societies where the husband leads an unsettled life, and resigns to his wife the tasks of protecting the dwelling and caring for the children,—*i.e.*, among hunting and fishing populations. The conditions are not greatly changed, however, when agriculture begins

<sup>1</sup> So especially BACHOFEN, whose merit it is to have been the first to direct attention to the customs and legal conceptions constituting what is called 'mother-right'. Cf also JUL. LIPPERT, *Geschichte der Familie*, 1884. MORGAN, *op. cit.*, pp. 343 ff.

to take its place alongside of the more primitive occupations. Where the struggle for maintenance or the pleasure of an untrammelled existence calls the husband away from the family dwelling for any length of time, or with any degree of frequency, the bond between father and son cannot be very strong, even if the notion of a more settled life has already become familiar, so that the natural idea of the blood-relationship of mother and child has full opportunity to set its imprint upon all the forms of social conduct. Now the freer the position of the husband, and the less he is bound to his dwelling-place by any permanent obligation, the more easily may it happen (particularly if there is a scarcity of women) that several tribesmen share the same wife: so that we have those phenomena of *polyandry* which certain of the older anthropologists declared to be impossible *a priori*. Impossible they certainly are not; they have their natural source in the ideas of mother-right. At the same time, the greater physical strength of man furnishes an obvious reason for the greater rarity of a form of marriage which gives the woman precedence in the family life. Its limitation is due, therefore, to the same cause that stepped in at a very early period to arrest the development of the mother-right altogether, and replaced it by the father-right.

There are other customs, likewise derived from the mother-right, but concerning the relation of parents and children and not that of husband and wife, which have acquired a more lasting significance. Since by the letter of the mother-right only the mother is related by blood to the children of the family, it follows that the development of regulations governing property and ownership will bring with it the principle of female succession. The line of descent is preserved in the daughter, the child inherits from its maternal uncle, not from its father. A last survival of these ideas,

and one that continues far down the centuries into times where the prevailing law had an entirely different character, is the importance assigned by ancient Germans, Greeks and Romans to the mother, as protectress of the household hearth, and the parent who 'gives away' the son or daughter of the house at the marriage celebration. The dutiful affection which in later ages binds the *son* so closely to the mother seems to be an after-effect of these original customs. How high in religious as in social estimation the bond of blood-relationship that connects mother and child stands above the sanctity even of the marriage bond is vividly illustrated by the Orestes legend. The Furies pursue Orestes, the matricide; they spare Clytemnestra, the murderer of her husband, because he whom she had slain was not related to her by blood. True, the legend takes as its motive of action the vengeance of the son for violation of the marriage vow, and so far holds its course among the ideas of a later age; but the older view forms its religious background, and the conflict of the tragedy is also the clashing of the thoughts of two different epochs.

The second group of ideas that has determined the development of the family, the ideas clustering round the *father-right*, is rooted in very different conceptions. Originally, at any rate, it is not the thought of blood-relationship that suggests them, but the thought of possession. When once personal property had begun to be accumulated it was inevitable that the husband, in virtue of superior strength and more active share in its acquisition, should take the upper hand. His power of disposition over all the family belongings, movables and immovables alike, was then naturally extended in a rude age that had no regard for the value of the personality to include the members of the family itself. Wife and children are now regarded as chattels, the property of the man, to be disposed of as he

pleases. It is he who gives its life to the new-born infant by taking it in his arms and claiming it as his property. Just as he offers the first-fruits of the field and the firstlings of his flocks as a sacrifice to the gods, so does he offer his children ; child sacrifice, and especially the sacrifice of the first-born, forms a part of sacrificial worship

The customs which express this idea of the father's right to possession are much more widely diffused than are the survivals of the mother-right. The Indo-European and Semitic races in particular accepted the father-right at a very early period. Of the various occupations followed in the lower stages of civilisation, that of nomadic pasturing is especially favourable both to the development of rules for the protection of property in general, and to the specific establishment of paternal authority. It binds a man more closely to his tent, and the frequent struggles with hostile hordes make it easier for him to display and utilise his physical strength. But the nomadic life, in favouring a close union of families of the same descent, also conduces to the supremacy of the tribe over the single family. Above the direct authority of the father, therefore, stands that of the head of the family at large ; and the more firmly the patriarchal order is established, the greater is his power of disposition over family property, even to wives and children. When the transition is made to a settled manner of life, and the individual family separated out from the wider group, the regulative influence of the patriarchal order ceases, and the father-right of possession holds practically without restriction. The various changes that agricultural life brings with it all serve to strengthen the paternal authority. The more exact distinction of individual property increases each man's self-reliance ; and the ownership of slaves accustoms him to the thought that he is lord even of life and limb within his own immediate circle. Polygamy is now a fore-

gone conclusion. Justified from the standpoint of property and encouraged by slavery, it has at some time or other prevailed among all the peoples acknowledging the father-right.

(c) *The Moral Aspect of Family Life.*

It was but very slowly that the wife raised herself from the menial position into which she had been forced by the husband's right of possession. So far as we can determine, several influences worked together to assure her final elevation. The first step, which the Semitic peoples took earlier than the Aryans, consisted in the extension of the idea of relationship from the mother to the father. Both parents were thus placed on an equality as regards their relation to the children, and this was a first step towards the acknowledgment of a certain *legal* equality as well. Not that very much was accomplished for the idea of descent from the father, once arisen, might easily lead from the idea of mother-right to the opposite extreme, as it apparently did, in very early times, among the Egyptians. The second step was taken under pressure of necessity. The possession of women among the polygamous peoples soon became the exclusive privilege of wealth. Restriction to a single wife was the rule with the poorer classes. But, further, it was not long before the well-to-do of the community also found it advantageous to content themselves with one chief wife, and to take her handmaids as concubines a restriction which, like polygamy itself, was naturally suggested by the institution of slavery. Finally, the more firmly the wife was able to establish her new-won rights—by her own merit and by the respect which she commanded from children and husband—the more surely were the concubines reduced, by slow degrees, to the level of mere servants until at last Christianity came, with its effort to do away with even this difference between rich and poor. Permanent success was possible, of course, only because

ancient civilisation itself had travelled far beyond the theory of possession, the source of the older father-right, and replaced it by the idea of *mutual* rights and duties. But the change of view had been brought about rather by force of circumstance, unwittingly, than with any distinct consciousness witness, *eg*, the relatively low esteem in which the marriage relation is held even by the philosophers of antiquity. Practical life, here as so often, outran theoretical construction. When once the exaggerated value set upon physical strength had given way to a recognition of the *mental* side of the personality, of the value of common sympathies and interests, the new views, for which society had been prepared by the separation of the individual family, could not fail to gain adherents. Despite all Plato's attempts to call back the old patriarchal days of tribal government in his ideal picture of the state that was to be.

The peculiar feature of the new view in ethical regard was its retention of both the older ideas, those of blood-relationship and possession, so modified and amplified that their blending involved no contradiction. The idea of blood-relationship was modified by extension to both parents alike, the idea of property by the moral elevation of wife and children. The wife is now her husband's property only in the sense that her sympathies and interests are his. Such possession differs from possession in the material sense not only in value, but also and more especially in the fact that its dependence upon the personality makes it absolutely *inalienable*. At this point, further, the modified ideas are also amplified. Their contents are enriched by the thought of *duty*. Duty was recognised, to a certain extent, by the old legal conceptions. When the father took the child in his arms he was taking upon himself, symbolically, the duty of bringing it up. But of our modern *reciprocal* duties—duties of husband to wife

and of wife to husband, of parents to children and of children to parents—there was as yet no sign. They could not arise so long as the mother-right persisted; the marriage bond was too slack and too easily severed. And the father-right was no less an obstacle; its recognition of the rights of property was wholly one-sided; submission was the first duty of the wife, while the husband was allowed complete freedom. Hence the idea of *mutual* duties on the part of husband and wife could not arise except from the consciousness of their *common* duties. The affection of both parents for their children, and the respect of all the children for both their parents, gradually gave the marriage-relation a moral value of its own, aside from and independent of the duties of bringing up the children.

The development of this deeper moralisation of family feeling, guided on the one hand by parental love and on the other by filial piety, can be traced with exceptional clearness in the history of Hellenic civilisation. The care lavished by parents upon their children, the parental pride in well-brought-up sons, the respect paid by the younger generation to parents and ancestors, the active faith that brothers and sisters show each other in times of danger and necessity,—these are the traits that Greek poetry and Greek history, from the earliest times, emphasise as most conducive to the highest social morality<sup>1</sup>. Herodotus tells us that Solon, in his conversation with Croesus, extolled the Athenian Tellus as the happiest of mortals, because he had many and excellent children and grandchildren, all of whom outlived him. And far down into the Attic period the possession of children is looked upon as enviable good fortune, the lack of them as a serious affliction; and the right bringing up of children, more especially of sons, as one of the first duties of parents, and a duty

<sup>1</sup> Cf. LEOP. SCHMIDT, *Ethik der Griechen*, III pp. 97, 133 ff.

the loyal fulfilment of which commands the greatest honour. The reverent affection of children towards their parents is continued beyond this life in the worship of the dead, neglect of which overwhelms the offender with obloquy and disgrace. Antilochus, who in the fight with Memnon stakes his own life for that of the veteran Nestor, and Æneas, who carries his father Anchises on his back from among the ruins of fallen Troy, are mythical prototypes of self-sacrificing filial affection. In Athens any man who struck his father or mother, or refused them food and shelter, forfeited the right of speech in the public assembly. On the other side, the ethical significance of marriage itself is comparatively slight, although the extreme Spartan idea that its value lay merely in the production of children did not find general acceptance. In spite of many exceptions—we have, *eg*, in the legends of Ulysses and Penelope and of Hector and Andromache instances of a more ideal form of the marriage relation—the wife is still held in but little estimation, as is plainly shown in the fact that friendship between men is held more sacred than the duties of married life. We have the classical example of this in Socrates, who in the hour of his death bids the weeping Xantippe depart, that she may not disturb the conversation of the men.

The feeling of filial piety, which leads by slow degrees to the higher conception of the family, appears very conspicuously in the *reverence for dead ancestors*, which is evidenced much more strongly in the earlier stages of civilisation than in the later. The relation of children to their parents here takes on a *religious* colouring, which cannot fail to react upon life itself, purifying and intensifying filial affection. Even to-day it is a familiar experience that those who have lately lost a relative by death are constantly expecting to meet him here or there in the places that he

was wont to frequent; and in primitive times the idea that the dead continue among the living commands unquestioned belief. One of its most prevalent forms is the idea that the dead body, or the shade of the dead man, feels as he would have felt any honour or dishonour done him after death. The survivor holds converse with the dead man; furnishes him with the necessities of life, honours him by festivals, to assure his favour and assistance, etc<sup>1</sup>. In the legends of the heroic age *burial* is always spoken of as the right of the dead man, and its omission injures him as much as it injures the survivors who have neglected their duty. Priam offers a high ransom and imperils his own life to obtain from Achilles the dead body of his son Hector. Sacrifices are burned with the bodies of the dead, and prize contests and festivals accompany the burial of prominent men. But in course of time the original view, which regards these duties as essentially duties performed to the dead themselves, undergoes a very significant change. It is not the vengeance of the dead, but of the gods, the protectors of the dead man's peace, that is now feared. The spot where an unburied corpse lies is unhallowed ground. And the religious motive is quickly reinforced by considerations of morality. Death puts an end to every quarrel. The dead cannot defend themselves against the approach of evil, so much the graver, then, is the crime of him who visits injury upon them. Hence while a ruder age spares the dead man from fear of his revenge, an age of more refinement honours him for the opposite reason, that he cannot now revenge his wrongs for himself. The originally selfish motive grows gradually unselfish, and the change takes place under the influence of the change in religious motives, whereby the primitive worship of the dead is transformed into the thought of a divine government of

<sup>1</sup> Cf. WAI17, *op. cit.*, II. p. 193; III. pp. 196 ff. RATZEL, *op. cit.*, I. p. 341, etc. TYLOR, *Primitive Culture*, 1891, I. pp. 426 ff. And see *supra*, pp. 78 ff.

the whole universe, including the dead with the living. Not that in this case either the motives are entirely unselfish, fear—fear of the vengeance of the gods who protect the dead man's peace—still holds its own alongside of sympathy with defencelessness and filial affection for kindred. This mixture of feelings is portrayed by a master hand in Sophocles' *Antigone*. There can be no doubt that in her religious and moral attitude Antigone more nearly represents the feeling of the poet and of his time than that of the heroic age. The relation of the living to the dead here depicted cannot but suggest the relation of the host to the helpless fugitive,—who like the dead is conceived of as standing under the immediate protection of Zeus. And this conception itself is merely the mythological form in which man's moral repugnance to an act of violence wrought upon a defenceless enemy finds its primitive expression.

(d) *The Development of the Feelings of Sympathy and of Filial Affection.*

In view of all these phenomena, it is hardly necessary to make the explicit statement that an adequate explanation of the development of the family can be found neither in the original sexual impulses, which man has in common with the animals, nor in the need of shelter, which presses more imperatively upon him than upon the lower creation. The latter, in particular, must be considered as a result, something that has to be brought about by other causes, before it can itself operate as motive. Man's *tendency towards companionship*, his liking for the comrade who resembles him in language, in appearance and in habits of life, represents a primitive extension of the feeling for self from self to the environment, and the *tribal* union, the consequence of this primitive social impulse, is therefore the oldest social organisation. The pleasure and pain felt by one's companion are one's own

emotions, grown objective· they are also powerful instruments in the awakening of one's own pleasure and pain. Now, when expression of emotion in another is felt as an objectified disturbance of one's own subjective state, the desire will necessarily arise to do for him what one would wish to have done for oneself, *i.e.*, to increase his pleasure and lessen his pain. At this point, therefore, a new factor steps in to direct the development of the primitive tribal union. Sympathy impels a man to render active aid to his companions; the aid rendered enables them to attain their end, and this success is the source of new and more intensive sympathetic feelings. Gratitude on the part of the beneficiary, and the pleasure of doing a kind action on the part of the benefactor, bind the two more firmly together. It is a truth of old-world experience, still true at the most advanced stage of civilisation, that the second of these emotions is stronger than the first. Gratitude is all too easily tainted by the envious feeling which the benefactor's superior position suggests; but the consciousness of having successfully aided another to carry out his plan of life becomes a separate and pleasurable motive to action, intensifying the original feeling of sympathy with the fortunes of a comrade. This new motive enters with peculiar force into the relation of *parents* and *children*. The more truly a father can say that his son's capacity is the work of his will, and the more truly a child is the creation of his parents—in a higher sense than by the mere fact of birth—by training and education, the more closely are they united by the bonds of mutual affection. But the development of this relation demands a prudence and foresight that come only with a considerable degree of mental cultivation. Primitive man holds his comrade, who resembles him more nearly in physical strength and character of mind, to be of more consequence than the untried child or the veteran whose years

unfit him for the business of life. Hence other motives are necessary, if care for the future and loyal memory of the past, the mainsprings of filial and parental love, are to arise. And other motives are at hand. the ideas of blood-relationship and of possession set their imprint upon the earliest forms of family life. They suggest the first beginnings of a family union at a time when other motives are entirely wanting. It is only after the establishment of the *individual family* by the combination of the two originally hostile motives of blood-relationship and of possession, and only after the accordance of a religious sanction to the whole round of household tasks and duties, that the secondary motives, the prime factors in the moral elevation of family life, are given a free field for operation. Hence that which a mature civilisation would take to be the first condition of development is shown to have been the last in the historical series of motives. and it is from the *community* of labour in the bringing up of children, which owes its origin to the influence of the secondary motives, that there finally arises the consciousness of *mutual* aid and benefit, which lifts the union of husband and wife from the sexual to the moral sphere, and thus enables it to achieve the noblest purpose of family life.

We see, then, that the development of the family from the tribal union is the effect of the gradual differentiation of that original feeling of sympathy, in which a man is simply projecting beyond himself the impulses of self-preservation and self-advantage. One of the most important instruments in the elevation of this feeling, and an instrument which actively co-operates with the conditions above described, is the continual conflict in which it is involved with the original feeling for self. We have, again, only to appeal to legend, poetry and history for overwhelming evidence of the struggle. The maxim that it is better to suffer than to do an injustice is not innate in the human mind. Acceptance of it comes slowly

and laboriously, after prolonged conflict with the impulse to self-preservation. We must, however, again remind ourselves that no explanation of the fact that there was a conflict is possible, except on the hypothesis that the impulse to abate the sufferings and share the joys of one's fellow-man is rooted in an original endowment of the human mind. It may, perhaps, be that feeling for others grew more independent of selfish considerations only as, by slow degrees, a third motive—the interested desire to put one's fellow-man under obligation—was superinduced upon the little differentiated motives of sympathy and feeling for self. For it might then happen that, having to choose between his own and his friend's suffering, a man should be persuaded by the new motive to decide against his own interest. But granted that the desire to put one's fellow-man under obligation had once led to this result, then the pleasure attending the act of mastery over self could become an independent motive, enabling the originally weaker impulse to gain the victory in the future without help from egoistic promptings. It is only by imagining some such struggle between different impulses that we can understand how motives, each of which taken alone is egoistic in tendency, can nevertheless produce a combined result that is free from egoistic taint. The egoistic factors in the sum of motives have cancelled one another, so that only the purified impulse remains. We cannot expect, of course, that this shall henceforth show itself always, or even very frequently, in its purified form.

The human mind is swayed at all times by a number of conflicting emotions, and the outcome of the conflict is not always the same. It will hardly ever happen, therefore, that a single impulse is so strongly predominant as wholly to suppress the effects of all the rest. At the same time, the existence of this now unselfish motive, alongside of other and selfish promptings, is sufficiently proven by the fact that

with the progressive purification of the moral consciousness its supremacy in the control of conduct is more and more earnestly demanded.

The direct evidence of this origination of the moral impulses from germs which, though themselves non-moral, contain the promise of moral development is to be found in the manifold expressions of the moral consciousness, at different stages of its evolution, that have been preserved to us whether in history and poetry or in the explicit form of maxims of right living. The Homeric heroes are always ready to assist a comrade. Friend sacrifices strength and even life for friend, son for father, brother for brother. But the motives alleged for these actions are one and all the motives of a naïve egoism. To help a comrade is honourable, but (and this is far more important) also useful, for unless one is ready to help others, one has small prospect of finding help oneself in the hour of danger. The chief reason for avoiding injustice is to avoid reproach. It is truly a long step from these primitive conceptions—which though not wholly untouched by unselfish motives are still directed upon external ends, utility or distinction or good report—to the attitude of mind which finds expression in the phrase of *Antigone* in Sophocles' tragedy.<sup>1</sup> "To join in love, not hatred, is my nature," or to that summed up in a verse of Menander's "Life is not living for thyself alone."<sup>2</sup> But words like these would not be possible if the impulse to unselfish sacrifice were entirely foreign to the human heart, or were merely a veiled form of egoism. Any such hypothesis is guilty of a confusion of the primary conditions under which conduct originated with the actual motives to the performance of action: a confusion which

<sup>1</sup> *Antigone*, l. 523 οὗτοι συνέχθειν, διλλὰ συμφιλεῖν ἔφιν.

<sup>2</sup> Τοῦτ' ἔστι τὸ ξῆν μή σεαυτῷ ξῆν μάνε. (MEINLKE, *Com. Graec. Fragm.*, iv. p. 356.)

goes hand in hand with another and very common error, whereby the moral consciousness, despite the emphatic protest of the history of civilisation, is declared incapable of development, or at least the most important law of its development—the law of the unlimited formation of new motives from given effects—entirely overlooked.

(e) *The State and the Tribal Union.*

Aristotle remarks, and in so doing shows himself to be far in advance of the theories of society set forth in later times, that although the state is, as a matter of historical development, the last term in the series of human associations, the final and supreme community, it is nevertheless implicit in the relation of man to his natural environment, and therefore logically prior to the individual<sup>1</sup>. In direct opposition to this view, the representatives of the contract-theory of modern natural law, however much they differ in other respects as to the aims and duties of the state, all agree in the hypothesis of a natural condition ('state of nature') to which the state was unknown, and accordingly assume, tacitly or explicitly, that the state is not a natural association but an artificial creation.

In this theory we have the reflection of a standpoint which, favoured by external circumstance, has for centuries dominated the minds of men—the standpoint of modern *individualism*. Individualism, as its name implies, regards the individual as the sole legitimate end of morality, inferring, because the state and the law and order of the state exist *for* the individual, that therefore they are the voluntary creation of the individual. The idea is borne out by certain analogies, which are sufficiently impressive if attention is directed exclusively upon similarity of ultimate object, and not upon original causes and motives. (1) The

<sup>1</sup> *Politics*, 1. 2.

first of them emphasises the relationship between the state, on the one hand, and the 'association' or 'society' or 'union,' founded for the pursuit of public or private aims, on the other. The objects of these organisations are oftentimes identical with that of the state, they assume the care of certain public interests which would otherwise be looked after by the state. Public schools, the means of communication, religious worship and even public safety have at various times fallen within the scope of the voluntary association. Why then, it is urged, should not the state be regarded as a supreme and most comprehensive union of the same kind, devoted to the furtherance of all public aims that are indispensable (or at least highly beneficial) to the interest of the community at large? And certainly, if we look only at the end ultimately attained, we cannot offer any very strong objection to the argument. The only question is whether it accords with the actual facts of historical development. (2) The second analogy appeals to the fact that one state stands to another very much as individual citizen stands to individual citizen within the same state. But peace between different states is assured by treaties, *i.e.*, by contracts; and the commercial relations obtaining between nations in time of peace, the legal protection afforded by one state to the citizens of another, etc., are also regulated in large part by some form of contract. If, then, the idea of the state is bounded below by that of the 'association' and above by that of the alliance of states, and both of these depend upon agreements and contracts, there is a very strong temptation to look at the state itself from the same point of view<sup>1</sup>

<sup>1</sup> To indicate how important a part has been and still is played by these two analogies in theories of the state, I need only refer the reader to two arguments, dating from entirely different times, and written also from entirely different standpoints. The first is that of THOMAS HOBBES (*De Cive*, cap. v.), the second that of R. VON MOHL (*Encyclopädie der Staatswissenschaften*, 2 Aufl.,

Really, however, the *purpose* subserved by a social institution is never more than one side of its essential character; the other, and not less essential side, consists in the outward causes and inward motives which have led to its establishment; causes and motives which, as a general rule, are far removed from the ultimate purpose, and show no approximation to it until they are approaching the limit of their own activity. The ultimate origin of the state is as inaccessible to our observation to-day as that of the family. But while the naturalness of the sexual relation inclines us to regard the family as more primitive than it probably is,—or at any rate, than it is in the modern sense of a lifelong community of home and interests,—the objects aimed at by the state are so widely remote from the most immediate physical necessities of life that we are just as strongly inclined, at first sight, to accredit volition and reflection with a profound influence upon its first formation. The counter-argument from the social unions of animals is not a valid objection, for the forms of animal association that are at all permanent, and not (like the flocks of migratory birds) merely transitory in character, are based without exception upon the sexual relation. We may term them, if we will, enlarged families, but not states. The expression 'animal states' contains one of those false analogies which are so frequent in animal

§ 7, §§ 12 ff.) Von Mohl, it is true, does not yield unconditional acceptance to the old contract-theory he admits that there are other ways besides that of contract in which a state may be formed, *e.g.*, by religious influence, by paternal authority, and by conquest. But he still thinks that the most legitimate mode of origination is by way of contract, and that the others have no abiding legal validity until ratified by the agreement of the citizens (or, to use Kant's expression, the "fiction of a contract"). Indeed, it is clear that if we identify the *purpose* of the state, as ordinarily understood, with the *motives* that were actually effective to produce it, the hypothesis of a contract is inevitable. The motives could not possibly have operated in any other way than through an agreement, whereby the individual gave up his originally unrestricted freedom for the constraining authority of the state. And this is precisely what the contract-theory, so ingeniously worked out by Hobbes, declares to have taken place.

psychology, and whose effect sometimes extends beyond it and obscures our understanding of phases of human conduct.<sup>1</sup>

In the absence of all facts which should serve as the point of departure for theory, two *fictions* have governed speculation concerning the development of the state. The one regards *individuals* as the elements which unite when a state is formed; the other looks upon the *family* as the foundation upon which it grew up. We might parallel them with the antithesis of  $\thetaέσι$  and  $\phiύσι$ , which Plato used long ago to express the divergence of opinion in regard to the origin of language. Where the individuals form themselves into a state *directly* for mutual protection, or for some other common purpose, the state has evidently arisen by arbitrary ordinance. This hypothesis leads at once, therefore, to the doctrine of the state-*contract*. If, on the other hand, as the second theory holds, the family grows gradually of itself into a larger association, the development of the state is a *natural* development, and arbitrary regulation can have no more than a secondary influence upon its formation.

The untenableness of the contract-theory is alone sufficient to give us a certain prejudice in favour of this second view. And the prejudice is not a little strengthened by the fact that the family-theory is by no means a *mere* fiction, as the contract-theory is, but finds distinct empirical support in the existence of *patriarchal* organisations of the state. Hence the origin of the state from the family,—the hypothesis which in ancient philosophy Aristotle set over against Plato's theory of its formation from an union of individuals,—is probably accepted at the present day by the great majority of those who are at all disposed to include the development of the

<sup>1</sup> Cf. the article on *Animal Psychology*, in my *Essays*. Leipzig, 1885, pp. 186 ff.

state in the natural development of society. But a closer examination sensibly reduces the weight of evidence which the theory obtains from the primitive patriarchal condition of civilised peoples, or from the organisation of the state among savage races to-day. On the one hand, we discover that the patriarchal constitution is very far from being the necessary and obvious beginning of the state that the adherents of the theory suppose it to be; on the other, that the patriarchal organisations, where they occur, are not such as could have been derived from the *individual* family, as the theory requires. We have already seen (pp. 227 ff.) that the individual family does not assume its permanent form until a later stage of development, when it is more sharply marked off from the sept and from the tribal union. But what are called 'patriarchal' conditions are phenomena of the older and undifferentiated form of the family. Since there is no fixed principle to limit the number of members of the sept, as there is to limit the individual family, it is only by pressure of external necessity, by the need of occupying new pasturage or remote hunting-grounds or distant arable land, that its division is brought about. And when the division has occurred it naturally happens that the younger branch of the family still maintains connection with the older: a connection prompted by the consciousness of original kinship, and strengthened by the need of mutual protection. In such a case the leadership falls, as a matter of course, to the parent family, to which the younger offshoots are bound by the ties of filial affection and of religious obligation. These family alliances, which exist here and there to-day as they once existed universally among the tribes of the North American Indians, are obviously to be considered the first beginnings of the patriarchal manner of life<sup>1</sup> Jewish

<sup>1</sup> WAITZ, *op. cit.*, iii. pp. 119 ff. MORGAN, *Ancient Society*, pp. 62 ff. RATZEL, ii. pp. 618 ff.

history prior to the establishment of the kingdom depicts a similar stage in the social evolution of a nomadic people. The parting of Lot from Abraham (Gen 13) is a typical example of the separation of kindred that must continually be forced upon a nomadic race by the external conditions of life. Many of the Arab tribes lived in like manner up to the coming of Mohammed; and the religious and political movement which he inaugurated found a powerful support in the primitiveness of the form of society within which it ran its course<sup>1</sup>

In view of the great importance which the sept must possess in the original tribal union, it is not improbable that patriarchal institutions, as here described, have played some part in the social development of all peoples, without exception. But in many cases they have been cut across by other and opposing influences at so early a period that their permanent effect upon social organisation has been very slight. Suppose, *e.g.*, that an event like the advent of Mohammed had occurred in prehistoric times. There would be absolutely no trace of the still more primitive patriarchal condition which his coming actually revolutionised, and the state that he founded would consequently appear to have arisen, not by natural growth from the tribal union, but at once and in a moment, under the influence of a single powerful personality. How wide-reaching such an influence may be, especially if reinforced by religious motives, is sufficiently illustrated by the diffusion of Islam itself. Now we find as a matter of fact, among many primitive peoples at the present day, political conditions in which the influence of the sept seems to have entirely disappeared. In particular, wherever conflicts with neighbouring peoples have led to a closer union of several tribes which, though originally sprung from a common stock,

<sup>1</sup> KREMER, *Geschichte der herrschenden Ideen des Islam.* Leipzig, 1868, pp. 309 ff.

have had time to forget their kinship (*eg.*, the despotic Negro states), or the internal struggles of heads of families and of parties have made a central authority essential (*eg.*, many of the Polynesian islands),—in all such cases a monarchy has been set up, over and above the family alliances, sometimes allowing the older unions to persist under its general control, but sometimes abolishing their power in its own interest. The despotic forms of government thus originated found just as much religious support as had been lent to patriarchal institutions. In the patriarchal state the religious sanction lay in an exaltation of the *priestly* functions universally assigned by custom to the head of the household. Under the monarchy the honour paid to the chief and his house, standing as they did above and apart from all the other associations of kindred within the community, rose to worship, and myth, in obedience to this impulse, accorded the kingly family a *divine* descent. And when subordinate chieftains or an aristocratic class intervened between the supreme ruler and the subject people, they too were naturally tinged with somewhat of his mythological glory, the disposition of human power was interpreted as a divine regulation.<sup>1</sup>■

#### (f) *The Development of the Forms of the State.*

These phenomena, taken altogether, make it practically certain that the development of the state from the original tribal union must be referred to the intercrossing of two different conditions (1) The one consists in the natural growth of the sept, and so leads to patriarchal institutions. These fall into a graded series, beginning with the village community (the original sept), rising from that to the district, and from that again to the nation, whose unity is only

<sup>1</sup> WAITZ, *op. cit.*, II. pp. 126 ff., IV. pp. 165 ff. RÄTZEL, I. pp. 157 ff., II. pp. 193 ff.

political, and consequently by no means so close as that of the earlier associations. The formation of a state proceeds thus by *peaceful* methods. But its progress is seldom entirely undisturbed: as a general rule, the consolidation of the higher terms of the series is assisted by factors belonging to the second mode of origination. (2) This is predominantly the *warlike* mode. Favoured by external circumstances, a personality that is distinguished from the common herd, whether by physical strength or by mental endowment, acquires unusual influence, and so attains to supremacy first of all within a particular tribal union, and then in many cases over a number of originally alien tribes. It is, of course, not impossible, but it is very improbable, that power of this kind—a personal power founded upon personal characteristics—should be achieved in times of peace. The motives best suited to produce such a result would be religious motives, but even these would probably have no permanent effects unless reinforced by success in the affairs of war and policy. We must, however, suppose that as the sovereignty of the individual is scarcely ever so complete as to destroy utterly, root and branch, the old tribal constitution, and as this, in its turn, never has opportunity to develop freely, without exposure to danger from outside,—we must suppose that, under these circumstances, neither of the two modes of state formation is anywhere to be found entirely isolated from the other, but both sets of conditions are so commingled that we can speak at most of a preponderance of this or that factor in a particular instance. The two are seen, perhaps, in most perfect equilibrium among the Indo-European races. Even peoples so early separated as the Hindoos and the ancient Germans have practically the same organisation in this respect: a constitution graded into village community, district and tribe, in the lower terms of this series a practically un-

changed patriarchal system, and then the consolidation of the tribe into an elective monarchy, instituted under stress of war, but limited by the power of the lesser chiefs. Finally, as a consequence of the great migrations, comes the union of several tribes under some one man who, by force of his personality, has usurped supreme authority.<sup>1</sup> The monarchies of Greece in the heroic age show a similar combination of the two influences, with the balance in favour of the patriarchal element. It is noteworthy that the memory of the patriarchal condition is preserved in language even after its real significance has passed away. Homer calls his kings 'shepherds of the people,' and likens the mild rule of Ulysses to that of a father. The Russian Tsar has this title at the present day, and its use is paralleled by the fact that the last survival of the patriarchal system is to be found in the constitution of the Slavonic village.<sup>2</sup>

This intercrossing of conditions leads to the most diverse forms of social evolution, the formation of the state varying with the special historical situation. In one case, as, *e.g.*, in India, the distinction of conquering race and subject population may be the determining factor. The race difference is carried over, as it were, to the classes formed within the conquering race itself, and so the influence of the monarchy lessened by its subordination to the law of class distinction. In others, as, *e.g.*, in Greece and Rome, the mutual jealousy of the tribal chiefs leads to the overthrow of the monarchy and the foundation of an aristocratic commonwealth. Later, when public offices are more evenly distributed over the municipal burgess-roll, the aristocracy gradually gives way before the struggle of the masses for power; and finally the

<sup>1</sup> Cf. ZIMMER, *Altindisches Leben*, pp. 158 ff. GRIMM, *Deutsche Rechtsalterthümer*, pp. 229 ff.

<sup>2</sup> KLEMM, *Allgemeine Culturgeschichte*, x. pp. 153 ff.

inevitable reaction from democracy ends in the establishment of a despotism. In others again, as, *e.g.*, among the Teutonic and Sclavonic peoples, the great migrations work towards the early consolidation of great empires. The conditions of migration, absolutely incompatible with the republican organisation of municipalities on the pattern of the Greek and Roman townships, lead to the formation of absolute monarchies, within which first of all individual associations, cities and classes, and later on the masses of the population seek to obtain power by a system of self-administration and representation. Now, different as the course of development is in these different cases, two features are common to all alike. The first consists in the state's *tendency to expansion*. The tendency may be carried too far, as, *e.g.*, in the Roman empire and the empire of Charlemagne, in which event the reaction follows, and the unwieldy mass, no longer adequate to the aims of statehood, breaks down by its own weight. But despite all these disturbances, it is a general rule that the size of states has steadily increased. The second consists in the constantly growing effort to transcend the *egocentric* tendencies which arise at the arbitrary prompting of the individual will, and in the correlate of this,—the more and more explicit formulation of the aims of the state in terms of the *common weal*. Here again the trend of evolution meets with many an obstacle, and suffers many a set-back. But its direction is clearly visible; for while an earlier age did not hesitate to rank personal or dynastic or party interests as aims of the state, at a later time such heterogeneous motives, even if they are still effective, dare not openly avow themselves, but are forced to hide under the cloak of the common interest. Both features, the tendency to expansion and the substitution of the general for the individual good, are as characteristic of the development of mental as they are of material civilisation. The growth of the state provided always that it is not

so excessive as to imperil stability of organisation, means also the increased security of its members, and control of more abundant means for the satisfaction of their needs and the unfolding of their powers. It was only by a conjunction of especially favourable conditions that a state of the size of the Athenian Republic could attain even temporarily to that fulness of life which sets it, in the light of history, above the greater empires of antiquity. A recurrence of such conditions has become more and more impossible as communication and the means of communication between nations have increased. But legal protection and security against all kinds of danger are assured the more certainly by the size and power of the state, the more these blessings inure to the advantage of all its citizens, without respect of persons or classes.

We thus see in the two ends of state development a law of social evolution which seems to find direct explanation in the *objects* attained by it. Nevertheless, it would be altogether wrong to regard these objects as the *causes* of the development. Convincing proof against such an hypothesis is furnished here, as before, by the fact that the earlier stages know nothing of those which shall come after them, and that consequently the objects achieved can never have been objects of conscious pursuit until they were in some measure actually attained.

(g) *The Feeling of Community in Nation and State.*

Two psychological forces or motives are at work, from the earliest times, in the formation of political institutions. The one is the feeling of *filial affection*, which passes beyond the family and the tribe to the larger associations that grow out of them; the other is the *selfishness* inherent in the ultimate element of every community, the individual. The affectionate obedience which a son pays to his father is

extended to the chieftain of the tribe; and the chieftain, in virtue of his position as head of a sept, adds to the general feeling of sympathy which binds every man to his fellow-men something of the peculiar care that a father feels for his children. It may happen, owing to the predominance of opposing factors, that these emotions are not very clearly evidenced, even where the patriarchal form of the tribal union has been preserved, but we have no reason on that account to question their primitiveness, they are, like the primitive tribal feeling, ingrained in the nature of man, and the origination of the tribal union itself would be unintelligible without them. Moreover, it is evident that the various forms of selfish impulse to which they gradually give place all tend towards the breaking down of the primitive patriarchal form of association. The rivalry of selfish interests will naturally begin to show itself most plainly in cases where, owing to the growth of the community, personal influence, the distinction won in battle or in the affairs of peace, determines the choice of the supreme ruler. It is a fact of extreme importance that under such conditions religious ideas are able for a long time to ward off the dangers that must follow from an unbridled struggle of egoistic impulses. A halo of divine honour rests upon the head of the ruler, and something of its reflected glory gilds his whole family. The hereditary succession of princes, the strongest bulwark of law and order in a rude society, is thus based upon a feeling of filial affection clothed in the religious form. The day comes, however, when the jealous demands of rival chiefs shake the established system—the system which has passed from the natural family union into the larger community—to its foundations. Hence it is the second point of departure in the formation of states, the power attained by the individual whether as the result of ability in war or of distinction in time of peace, which does

most to kindle the strife of egoistic interests,—and would suffer the conflagration to rage more fiercely than it actually does, were not the feelings of filial affection developed by the conditions of the patriarchal state carried over from the old order to the new. For many a year to come they serve to check and counterbalance the destructive influences of unbridled selfishness.

After the primitive feelings of filial affection have disappeared other feelings of like contents step in to fill their place. Thus the transition to agriculture and permanent dwelling-places gives birth to *love of home*, which finds its religious expression in the worship of the household gods, and in which the affection felt for members of one's own sept is carried over to impersonal objects. The emotion deepens and broadens in proportion as the material goods increase which native soil and home life afford the householder. When Ulysses and Phœnix approach Achilles, who, angry at the injustice done him, is holding aloof from the battle of the Achaeans, and seek to win him back again, we can read between the lines of their admonition the silent reproach that he has forsaken his comrades in the hour of need, but of more weight in the eyes of the Homeric heroes than this appeal to tribal feeling is the assurance of rich presents. Nothing but a feeling which touches him as nearly and as strongly as his own injury,—sorrow for the friend slain and desire to revenge his death,—is able to efface the memory of personal mortification. In this instance we can see the unconscious action of a force that aids materially in the development of unselfish impulses the *compensation* and *self-regulation* of egoistic tendencies. Egoism works its own undoing; its effects are self-destructive. Achilles, harassing the Trojans from revenge, fights for the Greeks without any intention on his part to assist them. But since he gets fame and honour, not for this selfish motive, but for the help which

he brings his comrades in their peril, result of action is gradually transformed to object of action, replacing the original motive in his own mind, and the new motive once present, the old love of home and kindred is revived. At Athens, in the Periclean age, a fit of pique like that of Achilles would have been held dishonourable in a hero; and his friends, instead of promising him gifts, would have admonished him of his duty to the fatherland. At that time the aspiration for honour and distinction far outweighed in general estimation all other and more selfish motives. True, this aspiration is still intrinsically egoistic, but as the objects actually achieved all make solely for the common good, while the advantages secured by the agent are practically all ideal, like posthumous fame, the egoism leads against its own nature to unselfish results. This inherent contradiction between ultimate end and original motive had aroused reflection in very early times, as we see, *eg.*, in the constantly recurring controversy as to what form of state constitution is best suited to produce willingness to self-sacrifice on the part of the citizens<sup>1</sup>. However divergent may be the answers to the question, all sides accept it as a self-evident fact that the determining factors are to be sought in egoistic motives. But when, in spite of this agreement, we find so radical a difference of standpoint that some give the preference to Sparta, on account of the hardship and unattractiveness of her mode of life, while others, like Pericles, award the palm to Athens on precisely contrary grounds, we cannot but suspect that divergence of opinion means unsoundness of underlying theory. As a matter of fact, it is surely as improbable as anything can well be that the soldier on the field of battle, before he gives his life for his country, considers with himself whether it would be worth while to live at home after loss of the most valuable things

<sup>1</sup> L. SCHMIDT, *Ethik der Griechen*, II p. 230

he has in life, or more generally whether life there is worth the further living at all. At the same time, the fundamental thought in all these naïve discussions cannot be controverted. No one sacrifices himself for others, or for the state to which he belongs, unless he is thereby seeking his own self-satisfaction. For the warriors of the heroic age the desirable things—aside from the direct pleasure in the exhibition of physical strength—were booty, power and fame; and fame in its turn rested in large part upon the extreme valuation of physical strength. In an age of greater refinement all other motives were subordinate, at least in the nobler characters, to the aspiration after honour and fame, and the measure of honour paid was governed by the value of individual conduct as promoting the common good. The practical ethics of this stage in social development follows the maxim: "Act unselfishly from selfish motives." But the gradual fulfilment of the egoistic motives with a more ideal contents, and their final renunciation of all materialistic aims, pave the way for a higher form of the moral law "Act unselfishly from unselfish motives,"—i.e., for a coincidence of ultimate end and motive which lifts the whole realm of ends into a more ideal sphere. Naturally, it is true, the state is very largely limited to the prosecution of those material tasks which are only possible with community of law and community of labour. But from the ethical point of view, these tasks are transformed by slow degrees into means which have as their final end the establishment of an ideal moral community.

This whole development would have been impossible had not unselfish impulses taken their place from the very first in the group of impelling forces. It is the unselfish impulses that are left behind after the compensation and self-regulation of the egoistic motives have taken place, and that, growing in power and varying in contents with the growth of the community itself, win the final victory over the fickle and

self-contradictory tendencies of egoism. This does not mean, of course, that egoism is wholly rooted out. Egoistic impulses, whether furthering or opposing the common ends, constitute a factor in social developments whose influence is never entirely lacking. But they must bow to the ideas that have wrested their supremacy from them, to the view that state and law exist to protect the common possession of all the citizens.

Of especial importance for the subordination of egoistic interests to common ends are the transformations of the primitive tribal feeling,—the root of all the impulses which gain the victory for unselfish motives in the struggle of conflicting forces. When the *civitas* widened out into a state that embraced whole countries, (1) the old vivid consciousness of direct kinship necessarily died out. Its place as a corrective of centrifugal tendencies was taken by (2) that consciousness of membership in a powerful state which found such proud expression in the words *Civis Romanus sum*. And the rise of national literatures, in the beginning of the modern era, has introduced yet another intellectual force of the same order: (3) that of a common national consciousness, an expansion of the original tribal feeling, based like its prototype upon community of language, custom and views of life. We are tempted to-day to reverse the causal relation of these factors. We are apt to regard a common language and common customs as a permanent possession, which presupposes the consciousness of common nationality. And this theory holds, in general, for the ancient world, but it breaks down utterly when applied to the origin of the modern nationalities, which had to create their common language for themselves before they could look to it to furnish the basis of a common national consciousness. All the great national languages as we have them to-day have been worked out of an almost infinite number of dialects, some one of which has

generally succeeded in triumphing over its rivals. But the common language once formed, the literature written in it becomes the most important means of diffusing a common view of life. Language has, therefore, had much more to do with the creation of the modern state than the reaction of the state upon language has had to do with sameness of speech. The few exceptions do not disprove the rule: they simply show that language is not able of itself, in the absence of other conditions, to produce political organisations of the extent of our modern states, but that it merely marks out the boundaries within which, the other conditions granted, a feeling of common nationality can arise to take the place of the tribal feeling of primitive times. The new feeling is richer than the old, and the disproportion of contents increases, the higher the value set upon the intellectual goods whose acquisition is made possible by a community of language. The intensity of this value compensates for the absence of the multifarious personal relations which enter into the tribal and family feeling, and the impersonal character of the national consciousness, called to life as it is by community of intellectual goods, further enhances the ethical value of the emotions which compose it, ridding them entirely of the egoistic factors that are never completely eliminated from the personal emotions. All the material and intellectual advantages which we owe to the soil on which we have grown up combine to form a total impression, whose intensity measures the intensity of the moral appreciations that bind us to the political community to which we belong by birth. The more perfectly these emotions have freed themselves of personal reference, the more intimately do they blend with a feeling of duty, which, like its associates, travels from a personal to an impersonal stage. Primitive man can be sympathetic, helpful, even self-sacrificing, when his comrade is in danger: he is incapable of an action whose results will not benefit someone

of his acquaintance, still more of conduct that does not aim to assist any individual whatsoever. An Homeric hero is ready at any moment to stake his life for honour and fame; but to defend a dangerous post unheeded, and with no prospect of distinction,—to do what every common soldier who is not a coward does to-day,—would perhaps have seemed in Homeric days to be mere folly.

The reader has missed the meaning of the above discussion if he sees in it an eulogy of the morality of modern times as compared with that of earlier ages. The question whether or not man as personality has been made better by civilisation is a question with which we are here in no way concerned, it will occupy us in the following Chapter. Here we have been dealing, not with moral *facts*, but with moral *ideas*. The moral value of the personality is relative, it varies with the stage of development to which moral ideas have attained. The member of a modern civilised community who pushed his interests with the naïve and heedless egoism of the savage would be acting more immorally than the savage. Many an act which in the eyes of the Homeric heroes was permissible, or even commendable, appears reprehensible to us to-day. Judgment of the moral value whether of the individual or of society depends not upon the absolute value of their disposition and action, but upon the relation of these to the stage of moral evolution already achieved. In this sense, and in this sense only, has our discussion shown that the development of moral ideas, despite much vacillation and frequent interruption, has been upon the whole continuous, and that its course gives evidence at every point of the operation of laws that regulate mental occurrence. The superiority of the man of the present day over the man of an earlier age lies, therefore, not in the fact that he *is*, but in the fact that he *can be* better, or, if we prefer to clothe the moral law in its imperative form, in the fact that he

*ought* to be better than his predecessors. And, if anywhere, it is in the *state*, amid the interaction of the countless mental forces upon which the maintenance and development of the state depend, that the *is* and the *ought*, though they can never become wholly synonymous, may run their course most nearly side by side. This is the reason of the immense ethical significance which the development of state organisations possesses for all the other forms of common life. The *system of law* imposed by the state upon its members is a code of norms in which *moral* ideas find expression along with the other ends of statehood. By its means the moral laws that are most indispensable to the life of the community are brought to clearer consciousness, and the individual protected against acts of violence which are also offences against the moral conscience.

#### (ii) *The Origination of the Legal System.*

*Law* is the collective name for the regulations imposed by the state upon all the members of society that come under its authority, and voluntarily respected by it in its own relations to these members and its intercourse with other states. Hence it is self-evident that law cannot be prior in time to the state, an axiom which is violated by all those theories in the philosophy of law that base the state upon contract, *i.e.*, upon a legal transaction. As the state gradually arose from the original tribal union, so did the norms of law arise from those of custom. State and law are, therefore, closely-related products of the common life, and neither of them can, logically or chronologically, precede the other.

Many mistaken ideas have been entertained with regard to the primitive condition of man; but none is more erroneous than that which holds the state of nature to have been a state of unrestrained freedom. The savage is a slave of custom.

His conduct is governed by the minutest rules in every department of life,—rules whose non-observance is generally regarded as an offence against religion, and visited with social contempt, proscription or acts of bodily violence<sup>1</sup> The fashions of self-adornment and of clothing, the manner of eating and a host of superstitious usages are determined by custom as strictly as (oftentimes, indeed, more strictly than) the holding of property or the pursuit of the murderer incumbent on the family of the murdered man. And this state of affairs continues long after the formation of the state has begun. The state, as we have seen, arose not so much from the necessity of enforcing the rules laid down by custom, as from the need of defence against the attacks of enemies, a need which either occasioned a number of tribes of the same stock to unite together under one supreme head, or made it possible for a chieftain of warlike ability to wrest the supremacy from his fellow chiefs. It is natural, therefore, that a part of the power which custom gives the head of the family over the other members of it should devolve upon the supreme ruler of the state. When disputes break out between individual members of a tribe, the supreme ruler is now the obvious arbitrator, as a judge who can, if need be, compel respect for his decision by force. If the form of government evolved is a despotism, the power of the ruler extends beyond these limits he becomes himself the representative of a legal system though this, while it expresses his personal ideas, varies all too easily with the moods of an irresponsible egoism, and is adequate only in unusually fortunate cases to the requirement of an orderly and impartial administration of justice. Hence it is characteristic of despotic states, even among primitive peoples, that anarchical conditions recur and recur again

<sup>1</sup> Cf. the list of facts bearing upon this point collected by LUBBOCK, *Origin of Civilisation*, 1889, pp. 448 ff.

as if with a kind of uniformity<sup>1</sup> It is very different where the power of rival chieftains sets definite bounds to the power of the supreme ruler Not only is a check placed upon his general influence over the various lesser communities within the state, but the custom soon grows up that in cases of dispute between individuals or septs concerning property or other legal rights the most prominent of the subordinate chiefs have a word to say in the decision This is the condition of affairs, *e.g.*, in the Hellenic monarchy which Homer describes to us And the restriction of sovereignty may go a step further important questions may be settled, after the princes have consulted together and declared their opinion, by the whole people; while, as a corollary from this extension of the power of the individual, the decision in questions of less general moment (more especially adjudication as between individual contestants) is handed over to the lesser organisations of district or municipality. This was the rule, *e.g.*, with the Teutonic races<sup>2</sup>

It is at this stage of social development that we come upon the formation of a system of law in the true sense of the word Certain norms have been separated out from the main body of the rules of custom and placed under the direct protection of the state and its organs. Their recognition is secured partly by the official promulgation of instructions and judgments, and partly, where this is insufficient, by the employment of force. At the same time, the state makes acknowledgment that it is itself bound by the same rules as its citizens. Both these things are necessary for the establishment of a true system of law.

<sup>1</sup> WAITZ, *Anthropologie der Naturvolker*, II p. 147

<sup>2</sup> BUCHHOLZ, *Homerische Realien*, II 1, pp. 66 ff. GRIMM, *Deutsche Rechtsalterthümer*, 2 Ausg., pp. 745 ff. It is true that the Homeric state was administered in part by the *agora* or popular assembly But the people are called together only in doubtful cases and at the option of the princes, and their power is merely advisory Cf. BUCHHOLZ, *op. cit.*, p. 24.

Despotism represents only one side of it, the constraining power of the state over the individual, it shows the legal system in its beginnings, not in its completed form. But even when law is well started on its development in these two directions, it is at first (as we might expect, remembering its origin from custom) *unwritten* law. The constant factors in it consist primarily of certain public institutions, which enable the individual to seek and find justice, and the state to maintain the integrity of the legal system that has won its acceptance. What is law and what not is largely determined, in the individual case, by reference to existing customs. On the basis of many like cases there grows up a *legal usage*; and this, when it has attained stability enough to serve as binding precedent, becomes the law of use and wont, *common law*. Finally, as the need gradually arises of giving explicit sanction to the common law regulations, of formulating in writing what has so far been carried in memory, we have *statute law*. This very soon develops a motive force of its own: on the one hand, it enlarges the borders of the provinces of law already recognised; on the other, it creates new provinces, and so constantly widens the sphere of the legal system administered by the state. This latter tendency is comparatively little checked by the opposing tendencies which make for the removal of certain groups of interests from the jurisdiction of the state law.

In these *material* extensions of the domain of law we can trace, far more plainly than in the history of its *formal* development outlined above, an uniformity which is of the highest significance from the ethical as well as from the legal standpoint. The fact that the changes take place under the most varied conditions in practically the same order constitutes them one of the most important pieces of evidence to the original similarity of moral endowment or disposition.

It is well known that Roman law developed the norms of *private* justice (more especially the rules that govern the holding and administration of property) with marvellous completeness; while it left public law and even the penal code in a fragmentary condition. The moderns have travelled far beyond Roman law in these two respects but there is still one department which has not received adequate codification,—*international* law. Thus the growth of the legal system among civilised peoples illustrates the working of a principle which seems to be universally applicable, the principle that the growth of law proceeds by slow degrees from the narrowest to the widest sphere of social life. Law begins with the regulation of the conduct of individuals to one another, and extends from the individual to the family. At a later stage, all the constitutional and administrative machinery that had previously been matter for common law is made definite in the form of statute law. And, finally, treaties and alliances between states constitute the first beginnings of an international legal system.

*(i) The Punitive Power of the State.*

*Penal* law occupies a noteworthy place in the development of law in general. Its character assigns it both to the province of private law and to the wider domain of the law of the state, for crime is an attack upon the system of public law sanctioned by the state, while, in most cases at least, it also infringes the personal rights of the individual. Hence our sense of justice has in its development taken account of both aspects of criminal conduct. What first attracts attention, however, is injury to the individual, and crime is accordingly placed, in the primitive stages of social evolution, in the same category with disputes between individuals,—naturally enough, seeing that the most widespread crime of ancient times, murder, almost always

follows from a personal quarrel. In those days the state entrusted its vengeance to the injured man or his kindred: its own part consisted, at the most, in effecting a speedy close of the family feud by the enforcement of certain limiting rules.

The peculiar course here taken by legal evolution furnishes another instance of the primitive power of *religious* motives. With the holding and administration of property these motives have very little to do. It is, therefore, in regard to property that the need of a *state* sanction was first felt; and the materials for it lay ready to hand in the original conditions of patriarchal or despotic government. Even so primitive a matter as the division of the property which originally forms the common possession of a whole sept appears in the light of a legal procedure, primarily incumbent upon the head of the family, and later on, when his rights are transferred in large measure to a higher authority, devolving upon the representative of the supreme power. With criminal conduct the case stands differently. In so far as it results in injury to other members of society, they are entitled to 'take the law into their own hands'. The householder is free to take the life of the housebreaker whom he catches in the act of crime, the kinsmen of the murdered man wreak blood-vengeance on the murderer, or, perhaps, are content to exact a ransom in its stead. But in so far as crime is an offence against *religious* and moral norms, its punishment is in the hands of the gods. Their anger strikes the guilty, either in this world or in the world to come. We must admit that the feeling of moral guilt comes only by very slow degrees to attach to the transgressions which a more refined moral sense regards as especially heinous. Even in Homeric times it is only under aggravated circumstances, *eg*, when committed against a blood-relation, that murder is looked upon as a serious crime, though, on the

other hand, lack of filial affection, disregard of the duties owed to guest and suppliant, and perjury, while they are not exposed any more than murder to punishment by human hands, call forth a much severer condemnation,—obviously because they wear upon their foreheads the mark of religious delinquency. We can easily understand that an age hardened by constant fighting should view the crime of man-slaying with more lenient eyes. It was no sense of the moral guilt of murder, therefore, that obliged the state in course of time to take the sword of blood-revenge from individual hands and itself to assume exclusive right of punishment. The action was taken, as the historical origin of the penal code attests, simply in self-defence. The custom of blood-revenge was a continual menace to the public peace, and the possible expiation of the crime by weregild or *pæna*—also regulated in the first place by custom—a very insufficient safeguard. Hence the endeavour to control the play of forces in the state by aid of a more settled system had, of necessity, to make a beginning with the suppression of the feuds of blood-revenge that were raging between sept and sept. The state first of all took it upon itself to act as mediator—settling, what had formerly been a matter of private agreement, the amount in which the homicide was to be mulcted—and then gradually assumed the exclusive right of punishment. Any attempt on the part of the individual to take the law once more into his own hands was thenceforth treated as a punishable offence.

We cannot doubt, then, what the origin of the words *ποινή* and *pæna* indicates,<sup>1</sup> that the state acquires its punitive power by redemption of the right of the individual to demand satisfaction for injury inflicted upon him. But its taking over by the state necessarily put an altered meaning upon

<sup>1</sup> CURTIUS, *Griech. Etymologie*, 5 Aufl., p. 472.

punishment in general. The primary aim of the state in the prosecution of crime was the maintenance of its legal system, the indemnification of those who might have been injured by the criminal act was a secondary matter. Hence the idea of punishment, and therefore the exercise of punitive power, were extended to meet every sort of offence against the law, however remote the question of compensation to individuals injured. And as, on the other hand, the duty of indemnification was plain in many cases where no real crime had been committed at all, punishment came by logical necessity to be entirely separated from what had originally called it into being. The state, with its punitive power, was now the true and lawful successor of *religion* in the infliction of penalty for crime committed, but the duty of reimbursement for injury was still acknowledged, though as a matter for itself, independent of punishment proper. The two original factors that made conduct criminal were thus brought together again—the general element of moral guilt, and the special element of injury to an individual. In the primitive stages of law the former involves no damaging consequences within the civic community, but the second alone calls for accommodation,—in which again, however, the state does not at first interfere, so that inadvertent and even justifiable homicide is ordinarily atoned for as fully and strictly as intentional murder. No step in the development of the idea of the state is more important for the moralisation of the objects upon which the state is directed than this assumption of punitive power. In lifting the right of punishment above the clash of personal interests, the state acknowledges for the first time that there are moral ends of statehood, ends which must be achieved for their own sake, and not on account of the injury or the advantage which accrues by their means to the individual or the majority. True, the state prosecutes crime as a violation

of the *external* moral law which it has to guard: on their subjective side the moral and religious results of criminal conduct lie always beyond the sphere of its authority. But the punishment of crime is a self-acknowledgment on the part of the state that it is a moral institution. The thought that this upholding of law and order is indispensable for the security of the individual is not of decisive moment, whether for the first origination of the punitive power or for its subsequent maintenance. Not for its origination; for the motives here at work were derived from a still lower range of selfish interests, the dominant idea was simply that of finding some form of compensation which should be less dangerous than individual revenge. And not for its maintenance, for the important question when crime is to be punished is not the danger of the deed, but the guilt of the doer. On the other hand, this development of the punitive power of the state, which has run a good part of its course in the full light of history, furnishes a very striking illustration of the birth of new ends from what were originally heterogeneous motives.

#### *(k) The Origination of New Departments of Law.*

The example set by the state in its assumption of the punitive power was of consequence for the whole further development of the legal system. It was by this action that the state first came to a knowledge of its own essential nature as a community ordered by the moral law, and so entered upon the path which has led to the greater and greater extension of its sphere of activity. True, its duties were differently envisaged by the rationalism of the eighteenth century. The period of the 'Enlightenment' defined the ideal end of the legal system as the restriction of the authority of the state to the barest necessities of social life, the protection of person and property. But this view arose

partly from the conditions of the time, the fear of irresponsible absolutism, and partly from a wrong understanding of the idea of freedom. It is not the individual will that can set bounds to despotic power, but a system of law administered by the state; and the result will be the more surely accomplished the more this law permeates all the various departments of life. If the state, in an endeavour to avoid interference with individual freedom, withdraws its protection from the weaker members of society, there is every chance that the despotism of a great man will be replaced by the more intolerable despotism of little minds. Mistakes of this kind are harmless, or perhaps even salutary, so long as the danger of abuse of power by the rulers really outweighs the others. But the development of the legal system carries with it a refutation of the whole rationalistic standpoint. We must notice, in the first place, its extension to two departments with which it originally had nothing to do. On the one hand, it takes under its charge a great number of interests which can be adequately provided for neither by the individual nor by the private association. Thus there can be no doubt that the modern state has even now successfully competed with private enterprise in the provision and superintendence of the facilities of commercial intercourse, and how far development may proceed in the same direction in the future it is impossible to conjecture. On the other hand, the state has taken upon itself more and more to regulate the labour contracts entered into by its citizens, it recognises the duty of seeing that unjust advantage is not taken of the individual *employé*. And to these two we may add, secondly, a third class of legal norms, which though of secondary derivation are not on that account of less importance: the regulations intended for the *protection of the legal system itself*. Here belong the 'constitutional' laws,—laws especially formulated to assure the control of public finance and of government

by representatives of the people; the participation of these representatives in legislation, the regulation of official administration, and more particularly that of ministers of state, by disciplinary laws and the principle of responsibility; and, finally, the independence of the judicature

The distinguishing feature of this development is the *conscious apprehension and systematic execution of determinate purposes*. The state is incomparably in advance of any other form of social institution as regards coincidence of motive and result in the attainment of certain of the good things of life. And this fact has lent support to the belief that we may predicate of the state, more truly than of any other association, a complete identity of final ends and original motives. Really, however, the belief is doubly erroneous. In the first place, the conscious prosecution of ends does not appear until a definite stage of development has been reached at the time when the legal system is in its first beginnings the results attained far outrun, as a general rule, the intentions from which they took their source. And in the second place, the congruity of end and motive in the further course of development never goes beyond *proximate* ends, never extends to the remote ends derived from these, however logically and necessarily the ultimate results may seem to ensue when viewed in retrospect by the student of history. When the state commuted blood-revenge into fine, its purpose was merely to arbitrate between disputing parties: consciousness of the political and moral significance of the punitive power came to it gradually, after it found that power in its possession. The princes who gathered about them for the first time representatives from the states that composed their empire, in order to obtain grants of money for war or for some other general purpose, took this initial step towards the foundation of a representative system without the least presentiment

of the tremendous consequences that were to follow from their action. It is, no doubt, true that the modern state is no more the work of blind chance than the body of a living creature with all its many members is a mere chance aggregation of parts. But just as the mature organism is contained in the embryo, so is the germ of later political development concealed in the first beginnings of the state. The glance of *retrospect* can trace the uniformity that inheres in the whole process, the eye that seeks to pierce the future can never see beyond the proximate stages of the coming development. Still, the horizon widens as the distance already travelled increases. There is one connection, in particular, in which history renders valuable service in dispelling our illusions. The human mind is always inclined to judge the unknown by the known. As regards the past, this error is being slowly corrected—though far more slowly than one is apt to think—by the growth of historical knowledge. As regards the future, its refutation is impossible; and so the vast majority of mankind imagine that the future will in all essential respects be a copy of the present. Only the chosen few who have gained from history more than a mere knowledge of the facts are sensible that the changes to be brought forth by the future will not be less—nay, that they will in all probability be far greater—than those of the past, seeing that it is of the very nature of mental evolution continually to multiply the germs from which proceed new moral and intellectual developments.

#### *(1) The Ethical Significance of the Legal System*

The fact that *conscious anticipation of end* attains in the life of the state to what is, at all events, a far higher level than that reached along other lines of social development constitutes one of the principal factors in the *ethical* significance of the state. Other social institutions—the family, commerce,

the various forms of social intercourse, etc.—further the moral life rather by the results to which they lead than by the motives from which they originate. The state, on the other hand, is in all its parts the scene of activities directed upon a conscious end. The legal system, in particular, may be regarded as the realisation of a system of ends possessed either directly or indirectly (through the ideas of common moral work and of equal moral rights contained in the reference to the common weal) of the highest moral value. Hence the state is the supreme educator, the teacher of an intelligent and moral discharge of duty. In every sentence of the penal code there speaks the voice of an objective moral conscience; the norms of private law are urgent exhortations to the exercise of just dealing and the observance of contract, the laws aiming at the protection of the legal system itself bring home to every citizen his duty toward the community. The ethical contents of the ordinary rules of custom is a hidden germ that comes to light only when stripped of its non-moral envelopes, but in the legal system of the developed state the germ has forced its way to open expression, or, rather, is veiled so slightly that the moral significance of the legal injunctions, though not explicitly formulated, is still their natural and obvious presupposition. If the veil is there, that is because the immediate end of legal norms is, of course, their *practical* consequence, so that only the *effect* of the end needs to be expressed, and the *motive* to the end may be passed over in silence. No law in the penal code states why particular actions are punished; no constitutional statute discusses the question why the enforcement of law, the conduct of government and the administration of justice are hedged round by certain safeguards.

It follows, then, that the moral norms contained in the legal code are there expressed not directly, but only indirectly.

They tell us, as a general rule, not what is the aim of the legal system of the state, but by what measures it is to be administered and safeguarded. To the question what their moral contents really is, no cut-and-dried answer can be given: the contents changes with the development of the legal system itself. The mere fact that the state exists is an indication of one thing and of one thing only,—*community of life*. This holds of all states alike, however imperfect their organisation. But the precise form that the community is to take raises a question which has been answered in very different ways by the different organisations of the state that have appeared in the course of history. There is, however, one feature which is common to the whole development, and which we may, therefore, probably regard as the determining factor. at any rate, it represents a tendency which is taking more and more definite form in the legal systems of the modern state, and which was gradually working its way to the front in the political theories of antiquity, though much obscured by national prejudices. It is the demand for *equality before the law*, and behind it stands its obvious presupposition, the demand for equality of moral rights. It need hardly be said that neither the one nor the other implies the *actual* equality of men. On the contrary, it is just because natural endowment—more especially moral endowment—is so different, and because the postulate of the moral equality of all is therefore involved in a constant struggle with opposing forces, and particularly with the egoism which disregards the rights of others, that the task set to the system of law is extremely complicated, and capable of but very gradual accomplishment. But the way is paved for ultimate success in the fact that the state, through its laws and institutions, is expressing a conscious recognition of the duties owed by the individual to the community. The legal system of the state is the surest bulwark against selfishness.

That selfishness has helped to build it up cannot be doubted, for the resolution of the struggle of conflicting interests in a condition of approximate equilibrium may quite possibly satisfy the bare terms of the demand for equal rights. But that the struggle of interests has been the sole, or indeed the prime motive force in the achievement of the final result is an hypothesis that is psychologically impossible. The saying *ex nihil nihil fit* holds in the realm of mind as certainly as in that of matter. Egoism can no more give birth to public spirit than hate can give birth to love. Such a thing can seem possible only from the standpoint of a theory of reflection, which credits mankind with a foreknowledge of ends that it neither now possesses nor ever has possessed.

The motive which originally bends the will of the individual to a superior will is not any shrewd anticipation that to give up some small part of his own freedom will advantage him more than the unbridled struggle of selfish interests, but rather obedience to a command that is respected as divine, filial affection towards the head of the family, and loyalty to the strong men of the tribe. Only by slow degrees, as these feelings, in which is latent the germ of what will some day be public spirit, clash with all the selfish impulses in society, does the law emerge that conduct which opposes the ends of statehood must finally give way to conduct which furthers them, the harmful to the helpful, and only after this result has actually occurred, in numberless separate instances, does a later stage of development attain to a *knowledge* of the ends heretofore pursued from other motives. And now the legal system has reached the point when laws are formulated with full consciousness of this end; when the law pays back its debt with interest to the original unselfish impulses that gave the first promptings toward a social order,—raising

higher and higher in popular esteem the blessings secured to every individual by the legal system. Now this popular estimate, like the whole moral life of man, is the resultant of two different factors. On the one hand, each of us appraises the moral aspect of community of life, from his own personal point of view, as something in which he himself takes satisfaction, and by which his individual efforts are assisted. On the other hand, however, each of us also regards the blessings secured by the legal system as valuable in virtue of their significance for everyone else, for humanity at large. This second side of the general estimate, originally pent up in the indefinite tribal feelings, is constantly widening its range and increasing its value. Reactions occur the means which an advanced civilisation offers for the pursuit of egoistic interests are varied and abundant. But in the development of the *consciousness of justice*, as expressed in the legal system of the state, we have a power that can put an effectual veto upon the sinister theory which sees in these pernicious side-results the true index of the moral condition of the time.

Finally, then, the common consciousness of the state paves the way for a last and most general form of moral union, which has no parallel in community of legal institutions, but just by reason of its independence of any such outward constraint possesses a peculiar importance. This is the union of *humanity*, an union which has freed itself in ever increasing measure from the union of the tribe or the family or the state. Based upon kinship of common nature, without regard to the closer relation of common descent and common customs, it is the last and the most comprehensive of all the unions in which man is bound to his fellow-man.

## 5. THE HUMANISTIC FORMS OF LIFE.

(a) *The General Development of the Humanistic Feelings.*

Our modern ideas of humanity, and the feeling which they embody of love for all mankind, of 'philanthropy' in the literal sense, are utterly foreign to the savage mind. The emotions aroused in primitive man by contact with a member of a strange tribe are little more than oscillations between the extremes of fear and contempt. If any other feeling is set up, it is the feeling of sympathy. The sight of bodily pain is always and everywhere the most efficient means of awaking sympathy. In some cases, however, where it is not checked by other and more passionate motives, this sympathetic feeling may express itself, even on comparatively slight occasions, in good-natured services, hospitality and liberality.<sup>1</sup>

The idea of humanity was very imperfectly conceived by the moral consciousness of the civilised peoples of antiquity. The Greek *philanthropia* refers rather to the special relations obtaining between individuals who are bound to one another by definite obligations, the Latin *humanitas* rather to forms of outward behaviour in the intercourse of man with man, than to the attitude of mind which we designate to-day as humanity,—the love of all mankind. Here, as so often, the words have undergone a change of meaning in accordance with the changes of the moral consciousness. There are two features of ancient life in particular which show the limited outlook of primitive customs. The first is the absence of any humanistic regard for men of alien descent; the second the recognition of the right of reprisals as governing individual intercourse, and the consequent approbation (within certain limits) of the emotions of revenge.

<sup>1</sup> For individual traits of this kind see WAITZ, *op. cit.*, II. p. 217; III. p. 165, vi. pp. 105 ff.

and anger. Nevertheless, a gradual change of ideas was taking place even within the ancient civilisations,—largely at the incentive of poetry and philosophy, which exercised an unmistakable influence on the popular consciousness. Philosophy especially, instead of following the lead of public opinion, stood forth as guide and director on the path towards purer and more universalistic ideas of humanity.

In the heroic age of Greece and Rome, as also of the Teutonic peoples, it was an axiomatic principle that cities and villages taken in war, with all that they contain, are the property of the conqueror. The men are put to death; the women and children distributed along with the rest of the booty, and dragged into slavery. True, it was also held an honourable thing, especially among the Greeks, that moderation should be observed in the treatment of the vanquished, but this behaviour was not a duty in any strict sense of the term, much less a right that could be claimed by the defeated enemy. Moderation redounds to the honour of the victor rather because of the self-possession which he thereby exhibits than because of the forbearance which he exercises, while it is further accounted the part of the wise man, inasmuch as only he who shows mercy in the hour of success can count on forbearance if the fortune of war should turn against him. But mercy must never be carried so far that injustice suffered remains unavenged. To accept insult or, still more, bodily violence, without retaliating in kind, is deemed a sign of dishonourable weakness down to far later times. Even the philosophers do not rise at their highest above the idea that to take no heed of little injuries is the mark of a great mind. Thus the explanation of the 'nothing too much' (*μηδὲν ἄγαν*, the highest maxim of the Seven Sages) put into the mouth of Chilon runs as follows. 'If men revile thee, forgive, but if they entreat thee evilly, be avenged upon them.' And

the saying of Thales is very like it. 'Bear with thy neighbour in small things' Aristotle, too, thinks that quietly to allow oneself or the members of one's family to be ill-treated is a kind of slavery, although immoderation in anger is blameworthy<sup>1</sup> All these utterances are plainly in accord with the feeling of the national consciousness On the other hand, Plato maintains, in quite general terms, that it is better to suffer injustice than to do it, and the Stoic ethics of a later day repudiates anger unconditionally as an ignoble passion. The diversity of standpoint may be partially explained from a change in the moral consciousness of the period; but there can be no doubt that in their definition of praiseworthy conduct the Platonic and Stoic doctrines were far in advance of public opinion at the time of their promulgation

Without some change in the ideas of humanity, however, these doctrines would have been hardly possible. There were two principal causes that led up to it, *friendship* and *hospitality*,—forms of personal relation, through which the more general humanistic idea gradually attained to maturity.

(b) *Friendship.*

The part played by friendship in the ancient world, and especially in Greece, is known to have been very large. It reaches its apotheosis in the legends of Theseus and Peirithous, Achilles and Patroclus, Orestes and Pylades<sup>2</sup> This picture of the two friends, which recurs in the most various contexts of mythical history, is at once a copy and an exemplar of actual life. The restriction of friendship to *two* befriended characters reveals the intensity of a feeling which, in the Greek mind, stood higher than the ties of family. How universal was the esteem which the relation of

<sup>1</sup> *Nichom. Ethics*, iv. ch. xi, xii

<sup>2</sup> L. SCHMIDT, *Ethik der Griechen*, II. pp. 337 ff.

friendship commanded we may gather from Aristotle's penetrating discussion of it, a discussion which is tinged with a quite unusual admixture of personal feeling, and whose realistic colouring stamps it unmistakably as a theory based upon the views of life prevalent at the time<sup>1</sup> Hence we can understand why Socrates advises his disciples to consult the oracle before they conclude a friendship his desire by this means to give it a religious sanction is in full accord with its importance in popular estimation. The trait is all the more characteristic in a society where entrance into the marriage relation was practically independent of all religious reference

There can be no doubt that friendship owed a great part of the ideal value thus early set upon it to the fact that it, more than any other relation between man and man, is a matter of free choice. It is but comparatively seldom that marriage allows anything like the same freedom class interests, questions of property and the influence of other wills are here of incomparably greater weight, especially at the lower stages of civilisation, than they are in the case of friendship, and the fact that the bond of friendship is so much more easily dissolved rather helps than hinders its idealisation The friendship that finds no further support in mutual affection dies a natural death. Marriage, which at a very early date assumed the form of a legal relation, cannot be dissolved without at least an explicit declaration of the original contracting parties ; and the act of declaration is ordinarily hedged about with various external difficulties. As for motive, it is true that the Greeks, and some of the best Greeks, like Socrates and Aristotle, have not failed to emphasise the *utility* of friendship. comradeship in time of danger, and the mutual help that friends extend to each other on all sorts of occasions. But the high estimation

<sup>1</sup> XENOPHON, *Micmor.*, ii. 4-6. ARISTOTLE, *Nichom.* *Ethics*, viii and ix.

of friendship for its own sake, and the joy felt in the mere possession of a friend, aside from any such secondary considerations, are clear proof, even in the absence of an express avowal of the fact, that unselfish motives have always entered into the feeling of friendship. The utilitarian motives are the motives most easily discoverable, and therefore the motives that a first reflection always hits upon. The deeper-lying motives may, of course, be felt instinctively, and thus given an artistic presentation; but so long as the understanding, all too apt to read its own calculating reflection into the objects upon which it is directed, remains confined to mere external analysis of the effects of conduct, it has no standard whereby to measure them. Hence it is not without significance that the first philosophical attempt to grapple with the problem of friendship which has fully succeeded in transcending the earlier and more superficial standpoint—the discourse of love put into the mouth of Socrates in Plato's *Phaedrus*—takes on the *poetic* form. Even the more sober discussion of Aristotle, however, is very far from limiting itself to an appraisal of the material advantages of friendship, on the contrary, he declares that moral companionship in and for itself is the highest good. Hence he calls no friendship moral except that which obtains between friends of moral character. Such a friendship is the most effective means of furthering the moral growth of the individual.

Although friendship, too, is generally confined within the bounds of social equality and similarity of occupation, still the range and freedom of the feelings that bind friend to friend constitute it the natural middle term between the association formed under the narrowest conditions of human life and the association founded upon the general relationship of man to man within the human race,—between the tribal union and humanity. *Philia* is the propædeutic to

*philanthropia*, it teaches us to respect our fellow-man, not because he is our kinsman or because the habits of a common life demand it, but simply because he is a man. There is, however, one obstacle to the development of this last and highest phase of moral and social obligation which is not surmounted by friendship as such, and which long persisted as a bar to human progress: the natural repugnance that man feels towards everything strange, and more especially towards strangeness of speech and custom and outward appearance in his fellow-man. Here the mediating office of friendship is undertaken by another form of social relation, which in the earlier stages of civilisation does important service in preparing the way for the larger love of humanity, and later, when it has fulfilled its mission, either disappears or acquires an entirely different meaning. This relation is that of *hospitality*.

(c) *Hospitality (Gastfreundschaft)*.

The combination of words in *Gast-freund* (guest-friend) is in itself indicative of a change in the moral consciousness of the centuries, for the *Gast* (guest, from the same root as the Latin *hostis*) is the enemy and the stranger both. Among the Romans *hostis* kept the meaning of enemy, and was sharply contrasted, as the distinction in idea grew plainer, with the *hospes* or guest on the one side, and the *peregrinus*, the stranger who is neither friend nor enemy, on the other. The Greeks continued to designate stranger, guest and host by the single word *xenos*, which lost much of its original meaning as its application extended. The citizen, in the more primitive stages of society, can never play host to his fellow-citizen. But every house affords the homeless stranger, so long as he remains in it, the same shelter and protection that it gives its proper inmates. In the Greek world this high regard for hospitality

goes back to the very earliest times<sup>1</sup> The *Odyssey* counts Ulysses' unrivalled hospitality to the coming and the departing guest as one of his chief virtues. It is a matter of duty to minister to the stranger's needs and show him honour, but to refrain from asking his name until all obligation towards him has been fulfilled. And in this we have much more than an outward respect for the feelings and personal wishes of the guest. The self-restraint of the host, standing, as it does, in such striking contrast with the open speech of the heroic age, must be considered, further, as expressive of the idea that the relation of hospitality in itself, without regard to person or descent, is in some sort a guarantee of law and order.

The development of this custom of hospitality, however, like that of so many others, shows clear traces of the influence of *religious* ideas. The person of the guest is sacred, because he is considered in the same light as the fugitive who sue<sup>s</sup> for protection. Indeed, there is a sense in which the stranger who seeks the shelter of the house may be said to realise both the conditions under which the relation of suppliant and protector may arise: the *personal*, since he confides himself unhesitatingly to the protection of the master of the house, and the *religious*, since the house itself is consecrated ground, and a violation of the house-peace a religious crime. Injury to a guest is therefore classed in the same category with disregard of the right of protection enjoyed by the suppliant who takes refuge directly in the temple of a god. The connection between the two ideas has its source in the worship of the household gods, whose images sanctified the part of the house in which they were set up. A further bond of union between hospitality and religion lay in the admission of

<sup>1</sup> Cf. L. SCHMIDT, *op. cit.*, pp. 325 ff. BUCHHOLZ, *Homeriche Realen*, II 2, pp. 38 ff., III 2, pp. 361 ff.

the guest to the household meal the common meal is, in ancient times, inseparable from the common sacrifice, which, as an expression of a common religious attitude, puts the stranger on an equality with the members of the family.

In primitive times, this religious aspect of the idea of hospitality largely preponderates. Even in the Homeric poems, the violation of the guest-right is considered not so much as an injustice done the guest himself as a crime against the gods. But the personal bond knit under the auspices of these religious ideas could not fail in course of time to acquire a value of its own, and a value which steadily increased with the progress of civilisation and the growth of intercourse between tribe and tribe. The duty of hospitality now has a moral and social as well as a religious contents. In the general consciousness, it is true, the moral elements were probably never entirely separated from the religious, but, at any rate, the separation was effected in individual minds. Otherwise, the philosophy of a later age could not have made universal hospitality a duty altogether apart from any religious reference. Moreover, intercourse was carried on for all manner of commercial purposes even in the most remote antiquity, and the gradual increase of commerce must have meant the increasing influence of practical motives to the exercise of hospitality as between the nations engaged in its pursuit.<sup>1</sup>

Nevertheless, the idea of an universal humanity, so far as it existed in the ancient world, was the possession of individuals only. The national prejudices and egoistic interests of the popular consciousness were at all times strong enough to debar it from general recognition. It is

<sup>1</sup> R. VON JHERING, *Die Gastfreundschaft im Alterthum*. In the *Deutsche Rundschau*, XIII, 1887, pp. 357 ff. In speaking of the importance of commerce in this connection, Jhering accredits the Phoenicians with the greatest influence upon the development of hospitality, and brings up weighty evidence in support of his position pp. 382 ff.

one of the indisputable services of *Christianity* to have made the humanistic idea, in the form of an ethical and religious requirement, the common property of its followers. The current changes in political and social conditions were all favourable to this humanistic tendency of Christianity. While the circumscribed limits of the ancient communities offered an insuperable obstacle to the free development of the feeling of humanity, the foundation of political organisations of a far more comprehensive character necessarily produced an opposite effect, and imported a more humanistic contents into the feeling of statehood. Still, the course of development was exceedingly gradual. There were at first two different standpoints within Christianity itself the narrower national or Jewish-Christian view, and the more liberal conception championed by the apostle Paul. And even when the broader view had won the day, the humanistic ideas embodied in the practical morality of Christianity suffered continual check from the ever more insistent belief that a special measure of the divine favour was the portion of all who accepted the Christian doctrine. This belief left room, perhaps, for sympathy with those of another faith, but it furnished an equally valid pretext for the cruelty of religious persecutions. The consciousness of common faith was now as great a hindrance to the development of a larger humanity as the common tribal feeling had been in the earlier days of the race. But the surmounting of all those obstacles which national limitations of language and custom had opposed to the diffusion of humanistic ideas was and is so stupendous an achievement that these other shortcomings, though perhaps for the time being worse than the evils which they superseded, must wholly disappear in the light of a more comprehensive survey. They simply illustrate the general principle that moral progress is

always the resultant of opposing forces, so that occasional disturbance is inevitable. The course of development is then brought back to its original channel by the action of some new force a factor of the sort in the modern world is the constant growth of intercourse between nations. Here, as elsewhere, it often happens that the ends actually attained in the course of history are subserved by motives of originally widely different aims. When hatred of the unbeliever, combined with aspiration after an indefinite ideal, and, on occasion, with many another motive that had but slight connection with the matter in hand, roused western Christendom to the enthusiasm of the Crusades, there was no one who foresaw that the enterprise would kindle a vital interest in the peoples and countries of the far East, an interest that should not die out until the great age of discovery had come. Intellectual interest thus took up and carried on the work begun by fanaticism ; and is followed, in its turn, by the efforts of an humanity that is slowly rising to the height of purely humanistic enthusiasm. This development moves step for step with the development of a new form of humanistic activity, which, originally derived from the old-world hospitality, has grown to be its true representative in our modern civilisation,—*charity*.

#### (d) Charity

In the earlier stages of social development, where there are no stereotyped differences of property to call forth the oppressive feeling of poverty, the growth of charity is entirely rudimentary. It is displayed, as the custom of hospitality shows, only by occasional and purely individual actions. But if at first there was no incentive to charity in the ancient world, we must declare also that when the incentives were both strong and abundant, the subjective conditions for the development of a more perfect humanity

were wholly lacking. In Rome, *eg.*, it was not till the days of the empire, under the manifest influence of that feeling of personal responsibility for the common weal which autocracy always awakens in nobler natures, that any the most scanty provision was made for the poor or sick or helpless citizen. The best reigns, those of Nerva and Trajan and Marcus Aurelius, are signalised by charitable measures. But there was need once more of *religious* motives, if the exercise of humanity was not to spend itself simply in occasional expressions of sympathy, if the sacrifice of self for others, without regard to difference of class or race, was to rise to the height of a moral duty, more binding upon man than any other save self-abasement in the presence of God himself. Humanity in this highest sense was brought into the world by Christianity. Although many of the features of Christianity had here also been anticipated in Judaism, still the Jewish virtue of compassion never shook off the chains of tribal feeling, while Christianity enjoins the love of all mankind as a duty which stands above all other duties, excepting only those toward God himself.

The first form in which Christian charity finds expression is *care of the sick*. In the earliest Christian communities this ministration wears the guise of direct personal aid to one's neighbour in his afflictions; but even in the first centuries it took on a more extended character, under stress of the vast diffusion of epidemics in the Eastern countries. The two most important features of the development are the establishment of houses for lepers, and the formation of religious societies whose members devoted their lives exclusively to nursing the sick. Charity is now losing its older individual character in two ways. first, by the equipment of institutions for the care of large numbers of infirm and afflicted persons; and secondly, by the union of those who undertake or superintend the duties of nursing into corporations organised solely for

this one purpose. It is very significant that for centuries long these charitable efforts were put in execution by the *orders of religious knighthood*, brotherhoods recruited from the ranks of the noblest families. The word *xenodocheum*, the name given to the earliest public institutions for the care of the sick (*cf.* the English *xenodochy*), still retains a trace of the origin of charity from the old-world duty of hospitality.

The second great expression of Christian humanity is the establishment of *missions*. Ever since the more universalistic view of the Christian faith triumphed over the narrower Jewish conception, missions to the heathen have been among the most important of religious interests. And although the zealous missionary may usually have had the conversion of the heathen more at heart than the high work which he accomplishes for civilisation, the end attained must of necessity, here as elsewhere, ennoble the motives that prompted to its attainment, and the example of unselfish devotion to an ideal task produce the most profound effect. When we hear to-day, as we sometimes do, that enthusiastic missionaries owe their success before everything else to the impression which unselfish discharge of duty cannot but make even upon barbarous natures, we gain some notion of the immense influence which the same example must have exercised in the past upon more highly endowed and still unspoiled peoples.

The charitable orders of the Christian Middle Age paved the way for the gradual emergence of the forms which humanistic efforts are beginning to assume in modern society and will certainly assume still more overtly in the future. For the need and the impulses to its satisfaction are as yet very far from congruent. The more complex conditions of civilisation, and the exposure of the individual to greater turns of fortune, whether for good or ill, that follows in their train, have served to spread the evils of poverty and want at

the present day perhaps more widely than ever before ; while at the same time the diffusion of education has made the poor man more sensitive to his inferior position than was ever the case in the past. Now it is one of the fairest privileges of individual ownership, as well as one of the weightiest reasons for its existence, that it affords free choice of charitable activity. In this way it not only renders possible a certain compensation of the differences in material prosperity that spring from the different conditions of life, but is also peculiarly adapted, by the personal form in which its acts of humanity are performed, to exert an ennobling influence upon the moral character of benefactor and beneficiary alike. But even now, and especially amid the distractions of life in large cities, the practice of personal charity has to contend with ever-increasing difficulties, while its lack of system leads inevitably to results which present a sharp contrast to the genuine effects of individual humanity. Hence the work that is adumbrated in the corporative charitable institutions of Christianity will without doubt be carried out in the future on a larger scale and in more constraining form by the *state*. The loss to the individual, when society rather than he himself is the fountain-head of humanistic endeavour, will perhaps prove all the greater gain to the cause of humanity itself. Our present system of administration has in various ways made a first beginning in the direction of these humanistic forms of social activity. And no man of insight can doubt that the most important problem of the present day, if full justice is to be done to the humanistic tasks that confront society, is the increase of the material and moral efficiency of the state.

## CHAPTER IV.

THE CONDITIONS OF MORAL EVOLUTION IN  
SAVAGERY AND CIVILISATION.

## I. MAN AND NATURE.

THAT the character of man, on its intellectual side, depends upon the influences exercised by his physical environment is so obvious an hypothesis, that philosophers and historians have often tried to demonstrate the moulding of national character by natural surroundings and its effects upon the history of the race. That man's *moral* character is also subjected to these physical influences cannot be disputed, although there may very possibly be divergence of opinion as to their actual importance. From the stand-point of morals, however, they evidently fall into two essentially different groups. The first is *objective*: it consists in the *physical conditions* under which human life is set by nature. The second is *subjective*: it consists in the effects which the *contemplation of nature* produces upon the human mind. The natural conditions of life have the ascendancy in the lower stages of material civilisation and mental culture: their influence gradually diminishes as the means increase whereby human inventiveness renders life more secure from external dangers, and less dependent upon favourable or unfavourable circumstances of soil and climate. The mental effects, on the other hand, the direct impression made upon the human feelings by the contemplation of nature, increase in proportion as mental development and

training increase susceptibility. So it comes about that the second group of conditions to some extent replaces the first. Nature appeals to primitive man almost wholly through her influence upon his material welfare ; she can make further appeal to the civilised man through the medium of his æsthetic sense.

*(a) The Natural Conditions of Life.*

Nature's earliest and most palpable influence over human life lies in the demands that she makes upon the physical and mental capacity of the individual, by placing him under the necessity of working for his bare livelihood. No curse could ever have proved itself so rich a blessing as the curse recorded in the biblical story of creation. "In the sweat of thy brow shalt thou eat thy bread." Man has grown to be a moral being, and he owes this growth not least to the fact that for him the earth is *not* a paradise. If objective proof of this truth be required, it is strikingly afforded by the fact that wherever man can support life without labour on the natural fruits of the soil, and climate does not make clothing and shelter an urgent necessity,—as, *eg*, in many of the South Sea islands,—*morality* lags far behind all the other forces and factors that make for civilisation. The virtues of sympathy and neighbourly kindness have arisen always where the stern necessity of existence makes every man the rival and competitor of every other, not where nature gives each one an abundance of all that he requires. Moreover, the special trend of moral civilisation under different circumstances gives clear evidence of the influences exerted by physical environment on the conduct of life.

The lowest stage of primitive savagery is the stage of *hunting*. the life once led by all, and still led by some of the indigenous tribes of North America. The hunter has probably no permanent dwelling-place, he kills the game

that supports his life when and where he can find it. Whatever comes into his possession serves only to meet the need of the moment, the whole character of his life inhibits care for the future. The skin of the slaughtered animal affords a scanty clothing; the wood of the forests through which the chase leads furnishes the rude hut to serve as shelter. The dangers encountered in the constant war with animals, and the war with strange tribes that so easily grows out of it, build up the feeling of loyalty to comrades, and with their natural consequences of hardihood, of indifference to pain and peril, make instances of heroic sacrifice of not unusual occurrence. The habit of solitary watching, the long hours in ambush for the game, steel the hunter in perseverance, and at the same time indispose him for noise and chatter in his intercourse with others. Endurance, constancy, loyalty, reserve, equanimity under the vicissitudes of fortune,—these are, therefore, the moral characteristics which nature stamps upon man at the lowest stage of civilisation.

One step higher stands the *nomadic* life. The nomad is condemned, even more irrevocably than the hunter, to lead a wandering existence without any permanent home, pasturage for the herds that furnish his means of livelihood is more quickly exhausted than the game-supply of the hunting-ground that surrounds the hut of the hunter. Hence it is the broad steppe-lands, like those roamed over by the nomadic Mongolian tribes of Central Asia, that seem to be foreordained by nature for the nomad life. But nomadism also means a greater permanence of common life and a closer union of each man to his fellows, while it further leads to an expansion of commercial and social relations. And this development naturally has its moral side. The social virtues most in esteem are loyalty towards the tribe and, more especially, obedience to its chiefs as compared with these, the more individual moral qualities of the pre-

ceding stage, close discretion and heroism in misfortune, retreat into the background. At the same time, however, cunning, craft, fraud and falsehood appear: the never-failing blemishes upon peaceful intercourse between different peoples, in part of alien descent.

The third and highest stage of this primitive evolution, as determined by the influences of natural environment, is reached with the beginnings of *agriculture*. Work is now for the first time strictly regulated and persistent. At the same time, man is chained to the plot of ground that he cultivates. The motives to the performance of social duties are strengthened by a more highly perfected and more stable organisation of the state, and a better regulation of intercourse. True, the motives to much that is reprehensible are also reinforced. Where the domestication of animals for agricultural purposes is unknown, and man is entirely dependent on his own exertions for the cultivation of the soil, as among the peoples of the interior of Africa, the severity of the labour is a strong incentive to a distinction of classes, which puts the worker under the yoke of the beast of burden and makes the master a capricious despot. If the habit of using a fellow-man as a mere animal is in some measure checked by tribal feeling, the prisoner taken in war or the slave purchased from out of another tribe is all the more apt to be regarded as little else than a beast of burden, whose strength the master is justified in exploiting for his own purposes. Hence it is that *slavery*, which is unknown to the hunter and the nomad, is everywhere a concomitant of the beginnings of agriculture<sup>1</sup>. The cradle of slavery, so far as it exists at the present day, is still the interior of Africa with its primitive methods of agriculture. The idea of the Greeks and Romans, that any occupation whatsoever in-

<sup>1</sup> See above, pp. 196 f., for the discussion of slavery in its social significance, which supplements the present argument.

volving the labour prescribed by the necessities of life was unworthy of a free man, sprang from the same source. So firmly rooted was it in the moral consciousness of antiquity, that even the philosophers who paved the way for a larger humanity in the moral view of life—even Plato and Aristotle—declared slavery to be a natural, and, therefore, an ethically justifiable institution.

There can be no doubt that from our modern standpoint we are right in censuring these opinions. At the same time there is nothing in the history of ethics better calculated to impress the fact upon us that in the general course of evolution moral good is attainable only at the cost of temporary moral evils. It may be said that the ethics of the Greek world was foredoomed to imperfection, just because its whole fabric presupposed the antithesis of free work and slave-labour. But then it must be added that all the great intellectual achievements of ancient civilisation, everything, that is, that our own moral view of life owes to it, could hardly have been accomplished save under those external conditions which, as a matter of fact, brought them to the birth.

*(b) The Development of the Feeling for Nature.*

We have seen that man in his outward life is dependent upon nature, employing the means which she affords him and exposed to the dangers with which she threatens him. His *inner* world of ideas is similarly determined by natural environment. The influence of his physical surroundings is woven in with his whole mental being, as it finds deliverance in myth, religion and custom, and in *aesthetic* requirements. But here, too, the influence of nature is not immutable. The same mountains and rivers and forests lie before the modern European that lay before his ancestors thousands of years ago, but the effect which they produce is very different. In this change there is reflected a change

in man's *aesthetic* view of the world, itself connected with a change in his moral apprehension of life.<sup>1</sup>

It has often been affirmed that the *feeling for nature* is a product of modern civilisation, or at least that it did not arise while the life of the ancient world was in its prime, but like so many other anticipations of our modern attitude to things appeared only when the time of decadence had begun. Primitive man, it is urged, stands in this regard to the man of the present day just as the countryman who now passes indifferently by the beauties of a landscape stands to the educated townsman, who finds in them a source of keen enjoyment. But there is really no comparison between the cases. We must never forget that the form of thought in which the primitive feeling for nature manifests itself, mythological thought, is entirely lost to us. It is from the mythological form of the feeling, which reaches back to the first beginnings of human civilisation, that the *aesthetic* feeling for nature with which we are ourselves familiar has been slowly and gradually evolved. The most important precondition of the development was the transformation of the nature-gods into moral powers, a transformation which resulted in their separation from nature and envisagement as powers, invisible, indeed, but omnipresent in the decrees of destiny and in the voice of conscience. In proportion as nature now lost her immediate and living reality did the human mind possess itself of her, to find its own subjective states reflected in her features. The impulse to project one's own feelings into the outside world, and then to let them react again upon one, is, therefore, characteristic of the whole development. The only difference is that in the mythological stage the impulse is unconscious, so that the feelings which stir man's soul in nature seem

<sup>1</sup> Cf. A. BIESE, *Die Entwicklung des Naturgefühls bei den Griechen und Römern* 1882-84. *Die Entwicklung des Naturgefühls im Mittelalter und in der Neuzeit* 1888.

to come forth from her, strange yet strangely familiar births of nature herself. When the magic of these ideas has slowly passed away, and their living reality paled, still the kinship of the emotions set up by certain phenomena of nature with moods arising from within, at the mind's own instance, cannot fail to win acknowledgment—nay, must appear all the more plainly now that it has shaken off the constraint of definite mythological personification. Nature dowers the poet with a wealth of simile and metaphor, sensible embodiments of his own emotion, each separate object taking on a new shift of meaning as his mood changes with the moment and the details of the scene group and regroup themselves before his eyes. Thus the æsthetic feeling for nature breaks free of the fetters laid upon it by mythological thought, constantly to create at its own sovereign pleasure myths which pass with the passing of the end that they have served and give place to other fancies. Now the impression that nature makes on man at each of these stages has its *ethical* aspect, and the development of these moral effects runs parallel with the development of the feelings that underlie them.

In the *mythological* stage of the feeling for nature, natural phenomena are simply the objectification of subjective impulses. The immutable regularity of natural processes forms a powerful stimulus to a similarly regular disposition of the affairs of human life, and so reinforces the tendency to regularity of living that inheres in the physical constitution of man (cf. *supra*, p. 172). External constraint is thus conjoined with an inner need of the mind, which finds in its own activity a resemblance to the processes of the natural world. The divinity which man had read into nature, he now takes from her, the acts of the gods are merely prototypes of human conduct. The order of nature becomes

the type of ordered human custom ; so that the idea of *law*, which unfolds its true meaning in human society, and whose reference back again to nature is the product of later reflection, is yet derived in the first instance from nature herself. This connection of the natural order with the ordinances of human custom is brought out with especial clearness in the religious theory of the Hindoos. Countless acts of symbolism express the feeling of a law and order that bind heaven and earth together. And to the living reality of a nature-feeling that sees in the elements and constellations powers of like nature with the mind of man, the earthly order and the heavenly are in essence one and the same. The sacrificial ritual, more especially, is modelled on the heavenly phenomena, in which the uniformity of nature is so deeply printed, and then the steps in the sacrifice itself relegated to the heavens, and in the new light of natural processes constituted all the more inviolable laws of human conduct. Thus Agni and Soma, the sacrificial fire and the sacrificial draught, are at first copies of the nature-gods, while later the heavenly phenomena in which these nature-gods were embodied are contemplated and revered as acts of worship performed by the gods themselves.<sup>1</sup>

While these ideas, which find in the order of nature the prototype of the order of human life, gradually lose their living reality, something of the tendency implied in them long persists in that *awe of nature* which holds men back from violent invasion of her rights. We have in the Greek attitude to nature the best illustration of this feeling, with its combination of religious fear and æsthetic appreciation. The myths of Prometheus, Icarus and Phaethon are tales with a moral, showing how the desire to achieve heroic deeds leads the hero to destruction, if in his overweening blindness he refuses to respect the eternal ordinances of nature. It is in

<sup>1</sup> ABEL BERGAIGNE, *Religion védique*, p 224.

the same spirit that Herodotus condemns, *e.g.*, the attempts of Xerxes to pierce the promontory of Athos and to join the two coasts of the Hellespont with a bridge of boats. As they are the same gods who rule over nature and over human life, a violation of the laws of nature is at the same time an offence against the moral laws of the universe; indeed, to him who reads between the lines the historian's belief is clear that disturbance of the one must of necessity lessen the power of the other.<sup>1</sup>

A widespread form of this awe of nature, though a form in which for the most part it was quickly ousted by the exigencies of life, consists in *consideration for animals*. The slaying of an animal is also, of course, an offence against the order of nature; as is keenly felt where special developments of mythological thought have set particular animals in direct relation to the gods or, indeed, wherever the likeness of the animal to man in feeling and in conduct has impressed the human mind. It is probable that animal sacrifice contributed most in primitive times to overcome man's aversion to the act of slaughter. To take life for one's own ends is not allowable; to take it for purposes of religious sacrifice is pleasing to the gods: and the flesh that had been dedicated to a god might also be consumed by man. Hence it is that certain religions of the modern world hedge round the slaughter of animals, even though it be for everyday purposes, with special religious ceremonies. In connection with the feeling for nature, it is significant that the old repugnance to kill a fellow-creature persisted longest in those philosophical sects which made the appreciation of natural beauty an element of a mystical religious system. Thus the Pythagoreans and, at a later time, the Neoplatonists enjoined abstention from meat. Here the feeling for nature has become a source of asceticism. Far removed in its

<sup>1</sup> Cf. L. SCHMIDT, *Ethik der Griechen*, II pp. 80 ff.

original motives from the usual conditions of ascetic living, it has fallen under the inevitable rule of the reaction of end on motive; and as its result is the result to which those conditions lead, itself springs in the last resort from ascetic promptings. So the visionary disciple of naturalistic pantheism comes at last to practise his asceticism not from any feeling for the animal creation but solely for the blessings which he hopes his mode of life will bring.

Mythological thought, in whose idea the eternal ordinances of nature are closely interwoven with the moral order of the universe, thus finds in nature an *outward* education in morality: just as the religious feelings form the earliest *subjective* motives to the moral conduct of life. In the naïve consciousness, however, the two motives fuse again to produce a single total result. When, therefore, philosophy or religion emphasises the imperfections of this stage of human evolution, the lack of intellectual culture and of unselfishness in the religious life, we must not forget on the other hand that the moral feeling and the feeling for the beautiful both alike had their roots in the soil of myth, and, so far as we know human nature, could not have grown up in any other ground.

But this whole conception is gradually changed. The first step is taken when, in place of the indistinguishable blending of the natural and moral order of the universe, as we saw it in the original myth, the external order of things is felt to be merely a symbol, or perhaps the visible and tangible proof of the inward moral order. The change is directly coincident with the transformation of the nature-gods into moral powers. Hence the new feeling for nature freed from the shackles of the myth, and all the more keenly alive to the kinship of external impression and subjective mood, has by no means lost its old element of awe, its

shrinking from violent invasion of the natural order. On the contrary, the transition from the mythological to the æsthetic standpoint means an increased depth of feeling for the significance of the ordinances of nature as ethical prototypes, just as it does for the kinship between nature and subjective emotion. Though nature has lost her gods, the breath of divinity is not wholly gone out of her. Her godhead is but made more universal, freer from the externals of a faith that could not touch the heart. Nature herself is still in very truth divine: only the separate things of nature are no more what they were, gods like unto men. The religious significance of this changed conception is everywhere apparent in the poets and philosophers of the classical period, but most strikingly in Plato's *Timaeus*,—that perfect example of a philosophic poem, where myth is reinterpreted in æsthetical symbolism. The creative spirit of deity has embodied the moral law in the order of the universe. Nature is therefore viewed, with more of consciousness than before, as a sensible manifestation of the divine, or—for the two are one—of the moral good, and in virtue of the new thought thus read into her, reacts upon the sense of beauty, elevating and purifying; all the more potently now that she is free of the gods made in man's likeness, whose irresponsible lawlessness rather stamped them the counterparts of human life than fitted them to be general ensamples of moral living. It is not without significance that this transition from the mythological to the æsthetical view of nature is coincident in time with the first beginnings of physical knowledge of the cosmic laws. Knowledge of natural law is the death-blow of mythological thinking, while it enhances the sublimity of the picture that is spread out to æsthetic contemplation.

Nevertheless, scientific absorption in the problems of nature was accompanied by a new danger, and soon began to detract from the lofty view of nature that science itself had

made possible. This danger arose from the *rationalistic* consideration of natural occurrence, which gradually coloured the effect that nature produced upon the observer, and thus did away with the ethical significance which the order of nature in its *totality* had formerly possessed for the human mind. The danger and its result were alike inevitable. As the first scientific apprehension of the reign of law in nature had meant transition from the mythological to the æsthetic and religious standpoint, so the *exact* development of natural science implied the gradual downfall of the new conception, the abrogation of the *objective* moral value which it still continued to ascribe to nature. Nature does not therefore cease to exert an ethical influence, by way of her æsthetical effects, but she exerts it only through the ethical ideas which a poetical imagination chooses to read into her; and the poet is conscious of what he does,—so far conscious, at any rate, that he does not himself believe in the objective ethical value of natural phenomena. The day has gone by when the loss of the *mythological* elements in man's attitude to nature is more than compensated by its *religious* contents, all the purer for their exclusively æsthetic form. Nature has now lost, not her gods only, but her divinity. She reflects once more in all her changes, as she did in the age of myth, none but *human* feelings and passions but since she reflects them as human, the imagination has as free a scope here as in the preceding stage, without the bondage of traditional ideas.

So this last stage in the evolution of man's feeling for nature has something in common with both its predecessors: it shares with mythological thought the loving surrender of self to the individual natural object, and with the religious and æsthetic standpoint of a later age the subjective freedom of mental attitude. It stands higher than either, in that man now finds *only himself* in nature. He goes to nature that he

may be moved by her in his own inmost being ; and when she does not of herself satisfy his desire, moulds her according to his needs. The awe of nature and the religious feeling inspired by the perception of natural law have both alike disappeared. And as nature must now subserve *human* purposes, the imagination which seeks for outward presentations of its subjective moods is captivated rather by her charm and pathos than by simple beauty, rather by her terrible and startling aspects than by calm sublimity.

The fullness of accord with nature which characterises man's present attitude to her has its peculiar *ethical* effects, which owe their power over the human mind entirely to the directness and immediacy of this final union between inward feeling and object of outward contemplation. At the same time their purely subjective significance renders them as manifold and variable as human emotion itself. They can reinforce the moral impulses, and lend to the artistic presentation of ethical motives a living reality never before attained, but they have nothing of that constraining power whereby the old idea of a world-order that embraced both nature and life could stamp its objective imprint upon the whole of human thought. Here, too, is proof of the greater freedom of the feeling for nature within its greater variety of form. In ait the contrast of the present with the preceding stages of development is shown more particularly in the closeness with which the depiction of nature is interwoven with the exhibition of human feelings and passions. Sometimes the human mind, sometimes nature, is made the *primum movens*; and sometimes both mind and nature, the inward and the outward, are so intimately blended that we cannot say which comes before or after the other. The strongest evidence of the power of our modern feeling for nature is to be found in the fact that in the modern world poetry and the plastic arts

have ventured for the first time upon fields which, though they have never failed of ethical significance in real life, are only just becoming generally accessible to the work of poetic idealisation. The most important of these recent conquests of art is the passion of *love*. Love—the love which furnishes an inexhaustible theme to modern art, the dominant note of lyric poetry and romance—would be inconceivable without our modern nature-feeling, without that unmediated fusion of external impression and subjective mood of which Goethe's poetry affords so inimitable an example. And compare the ethical significance of love in modern poetry with the part that the love-god Eros plays in ancient art! We find, perhaps, the first presage of the transcendent ethical power of the love motive in that wonderful dithyramb to love which Plato puts into the mouth of Socrates in the *Phaedrus*. Here, as so often, Plato is the happiest of all the ancient philosophers in his anticipation of the thought of future ages.

The greater freedom and variety of form that characterise the feeling for nature, now that it is guided merely by subjective mood, has then as its first consequence the capacity of the feeling to adapt itself to any ethical motive, of whatever contents. But we must not overlook a second consequence the remoulding of natural impressions in the interest of the subjective individuality,—a process that comports equally well with a preponderance of good or bad in the individual character. To the nature-feeling, grown subjective, there have been revealed connections between nature and the emotional life of man that were previously unknown, but it has no understanding for the objective significance which accrued to the natural order of the mythological stage as prototype of the moral order of the universe. So it comes about that we find grave moral defects existing to-day alongside of the pro-

foundest appreciation of nature and the most delicate sense for the ethical bearing of certain aspects of human life. Petty egoism and self-sacrificing love, heartless cruelty and tender sensibility, are combinations more often found in a single character now than they were in the ancient world. Many such unions, indeed, are comparatively common, owing to the constant tendency of opposite traits to offset each other: the intermixture of extravagant sentimentality and bloodthirsty misanthropy exhibited in the character of Robespierre, *eg*, is a genuine product of the modern enthusiasm for nature,—of that enthusiasm which finds food in nature for the feelings it desires to foster, but outside of its special domain of æsthetic enjoyment and one-sided development of the moral emotions has nothing of that awe of nature which in old days was the life-blood of a nature-feeling less intensive, perhaps, but certainly purer and more innocent. Here too, therefore, the advantages of increased freedom and greater range of development are attended by their own dangers, from which a ruder age was free.

## 2. CIVILISATION AND MORALITY.

### (a) *The Idea of 'Civilisation.'*

The word *Cultur* (culture, civilisation) is derived from the *cultura agri*, the tillage and cultivation of the soil. The earlier and narrower meaning of the term points directly to the mode of origin of civilised society. For all civilisation begins with the transition to agriculture and a settled manner of life. At this point, therefore, the natural and cultural conditions of the moral life are in direct contact. But while the beginnings of civilisation follow with logical necessity from the change of outward habits of life,

they also presuppose a life of the mind which does not yield itself passively to environmental influences, but puts forth active effort to shape and mould them for human ends. Hence it is that the idea of civilisation, in its wider meaning, includes the changes set up by the gradual extension of man's control of nature and natural conditions over all the departments of life. Civilisation thus stands opposed to the primitive determination of man by nature as an *active moulding* of nature in the interest of the ends of human life. This effect of mind on nature is attended by profound reactive effects on the mind itself, the discovery of the means that shall serve for the conquest of nature implies continual enhancement and improvement of the mental faculties. So it comes about that in the last resort the term civilisation is applied to all these end-results of civilised activity,—to the intellectual, moral and æsthetic achievements of mental labour,—not less than to the betterment of the material conditions of existence. The human mind has thus taken the place of nature as the object to be changed by civilisation. The *cultura mentis* is conceived of as a process analogous to the *cultura agri*; and purely intellectual occupations, whose end is widely remote from any mastery of nature, enter the ranks of civilising influences.

An investigation of the ethical effects of civilisation (*Cultur*) must set out first of all from the original meaning of the word. The regulation of property, the invention of tools and the perfecting of the means of communication are the most important factors in this primitive civilisation. Secondly, we must consider the mental cultivation which is their reactive effect, and which at the higher stages of evolution furnishes the principal contents of the idea of civilisation in general.

(b) *The Regulation of Property.*

The earliest of all the conditions of civilisation is the development of an ordered *system of ownership*. The regulation of property meets us everywhere among the oldest rules of custom, and sets the most important problem to incipient legislation. The form of property which first obtains assured recognition is *property in land*. It is probable that in all rudimentary societies land is *common* property. The tribal group looks upon the land which it has brought under cultivation, and defended with common forces against enemies from without, as a common possession, a portion of which it assigns in usufruct to each of its members. This primitive condition—traces of which are still to be found here and there among savage and civilised peoples<sup>1</sup>—undergoes change in two directions. On the one hand, the land assigned to the use of individual families gradually passes over into independent property; on the other, the introduction of class distinctions leads to the rise of a ruling class, who are at the same time property owners, and of a class of servants or bondsmen, to whom portions of land are gradually assigned in feudal tenure, and finally (as in the preceding case) pass over into independent property.<sup>2</sup> The origin of private property by way of separation from the common possessions, and its slow emancipation from burdens and limitations that long attached to it, are accordingly features common to both developments. The

<sup>1</sup> Cf. E. DE LAVELEYE, *De la propriété et de ses formes primitives*, 1874. For phenomena of the kind in Polynesia, see WAITZ-GERLAND, *Anthropologie der Naturvölker*, vi. pp. 168, 792. On the possession of property by the village community in Russia, cf. VON HAXTHAUSEN, *Die landliche Verfassung Russlands*, Leipzig, 1866, and ECKARDT's remarks on the same subject in *Baltische und russische Culturstudien*, pp. 480 ff.

<sup>2</sup> Cf. J. GRIMM, *Deutsche Rechtsalterthümer*, 2 Ausg., pp. 491 ff. W. ARNOLD, *Zur Geschichte des Eigenthums in den deutschen Städten*. Bascl, 1861.

memory of the labours and struggles passed through for the attainment of private ownership in land is preserved in the list of privileges and protective measures with which all the earliest legal systems hedge round the possession of land. Thus the Solonian code does not recognise personal property as a permanent possession, and is therefore at pains to minimise the obligations connected with it; while, on the other hand, it is much concerned for the protection and maintenance of property in land. And the property-census ascribed to Servius Tullius is based entirely on the presupposition that possession in land is the sole measure of the amount of a fortune.

But the ancient world itself saw the gradual rise of a new form of personal property, whose growth was closely bound up with the distinction of classes, and more especially with the formation of a class of free artisans—the rise of *private capital*. Private capital—the surplus of the products of labour laid up in money or some other means of exchange—then attained to more and more importance. Roman legislation, in particular, was largely occupied with measures for its recognition and protection, and secondarily also with the prevention of its abuse. Now, when the time had arrived for the two forms of property—landed property and private capital—to come into competition under approximately equal conditions of legal protection, it was inevitable that capital, with its capacity of employment in so many different fields and of almost infinite accumulation, should begin by slow degrees to take precedence over its rival. And this shift of the centre of value in property, which is so characteristic a feature of modern society and has been furthered by the advance of material civilisation in other directions, is attended by the most wide-reaching ethical consequences. So long as property in land is that best assured by law, *inheritance* counts for more than an *acquired* fortune.

Indeed, the idea may quite possibly arise, as it did to so marked a degree in the best period of Hellenic civilisation, that an acquired fortune comes only with an occupation and position in life that are unworthy of a free man. This attitude is due to the continuance of tribal and family feeling, and on its own part is admirably fitted to infuse that feeling with new life and strength. The duty of filial affection to ancestors demands that each man safeguard his inheritance, and hand it over undiminished to his posterity<sup>1</sup>. It is in this spirit that the aged Cephalus speaks in the beginning of Plato's *Republic*. He prides himself that he has struck the mean between a grandfather who "doubled and trebled the value of his patrimony" and a father who wasted his substance. "I shall be satisfied," he says, "if I leave to these my sons not less but a little more than I received"<sup>2</sup>. Something of this view, partially intermixed with the yet older preference for landed property, has come down to our own day, it shows in all the legal enactments on the one hand, and economies and retrenchments on the other, which aim at preventing any division of the estate. But the main current of civilisation has tended more and more to emphasise the value of *acquired* property, and thus to give personal property the advantage over property in land in ethical regard as well. In old days men worked for the present, now they work for the future. The Greek sought to show his loyalty to the traditions of his house in the use of his estate for personal and public ends, the modern, who can more than satisfy the claims made by himself and society upon the proceeds of his labour, desires to assure provision for his children, not seldom animated by the thought that life shall be less *laborious* to them than it has been to him. That each of

<sup>1</sup> L. SCHMIDT, *Ethik der Griechen*, II. p. 390.

<sup>2</sup> *Republ.*, I. 4.

these attitudes has its moral advantages and disadvantages no one will deny. We are not called upon to choose between them, for the march of civilisation can never be turned back. If the moral basis of ownership should undergo change in the future, as may reasonably be expected, this will not be because the old is becoming new again, but only because the new gives birth to something that is still new. The moral value of the ancient idea lies in its insistence on public spirit and filial affection, the modern view is penetrated by a more living interest in the narrower circle of the family,—an interest which has grown in direct proportion as the range of civil and political communities has widened. We must, however, grant that the danger of an egoistic narrowmindedness is brought closer to us in modern times, and that the impulse given to the desire for acquisition, while it increases our capacity in the service of moral ends, at the same time carries with it serious moral danger. Covetousness, avarice, the exploitation of others' labour, fraud, the immoderate pursuit of pleasure and complete submergence in material interests are, without doubt, qualities for whose development modern civilisation has provided means just as abundant as for the exhibition of moral virtues.

(c) *The Invention of Tools.*

The invention of implements is very closely connected with the conditions of ownership and of the acquisition of property. Foremost among the instruments of labour, in the wider sense of the word, stands the *domestic animal*. The domestication and breeding of animals was one of the earliest 'inventions,' if we may use the term, prompted by the change to an agricultural life. The beast of burden relieves man of work, and so lessens the difference between the free man and the slave. Though slavery continued long after the use of

draught animals had been introduced, the lot of the slave was humanised from the first moment that he ceased himself to drag the plough over the field, or, as in ancient Egypt, to haul the stones for the great works of kings and nobles. In primitive times the animal is man's most dangerous enemy ; he seeks refuge from it in gloomy caverns, or on pile-built platforms over unhealthy lakes and swamps. At the dawn of civilisation the animal is man's greatest benefactor — it provides him with food, takes the plough from his hand and the burden from his back, and, what is perhaps more than either, spurs his inventiveness to the creation of tools and implements that shall enable him to utilise the brute strength of muscles to his best advantage. The waggon and the implements of agriculture are primeval inventions ; but where man has the use of none but his own strength, as is still the case to-day in many regions of the interior of Africa, they are found only in the most primitive form. It is the draught animal, with his greater strength for work, that puts even these earliest inventions to their full capacity.

But far above any of the achievements to which mankind rose in long ages of civilisation at the suggestion of animal labour stands their present utilisation of the *powers of inorganic nature*,—so truly a product of the most recent civilisation that we can trace to-day no more than the first beginnings of those moral consequences which such a revolution must of necessity bring in its train. Not the animal only, but man himself has been driven from labour in fields that he has long been wont to occupy. And purely mechanical performance has been gradually followed by portions of that labour which an earlier age could not accomplish without the constant exhibition of intellectual powers. Modern machinery replaces not only the muscular strength, but also the intelligence of manual labour. The countless small sums of mental labour expended in old times upon individual production by

work of hand are saved once and for all by the inventive act which manifests itself in the construction of the machine. Individual labour is thus forced back again to the purely mechanical level; only that, in contradistinction to the early days of civilisation, this mechanical work is itself reduced to the least possible amount. The intelligence and strength of a child, trained in a few easy manual exercises, are now sufficient under given circumstances to accomplish a difficult piece of technical work. Now is it inevitable that not only the external value, but also the moral valuation of work rise and fall with the demand that it makes upon individual capacity. Hence the technical advance of civilisation carries with it serious danger of a vast moral retrogression. If the draught animal long ago relieved the slave from the oppression of his lot, the machine threatens to make of poverty a new kind of slavery. None can be blind to this danger save those who will not see the blows that fall on another's back. But it would be preposterous, again, to try and save the situation by any vain effort to reverse the wheel of the world's progress. The dangers that come with civilisation can be met only by the further advance of civilisation. Some help may, perhaps, be gained from the perfection of the technical instruments themselves. As they complete their task of man's liberation from mechanical work, the freer scope will there be for the exhibition of those intellectual powers which can never be wholly replaced by the powers of inorganic nature, and hence will never fail of their proper value.

There is one direction (true, it is a matter of externals only) in which this ability of the machine to counteract its own disadvantages has long begun to show itself. The greater range of *communication*, material and mental, which has followed from the utilisation of the motive powers of nature through machinery, is surely an advance on the road to emancipation. Here again, however, the best that is to

be done must remain for the *moral character* to do, as it makes its influence felt in the free social relations of man to man, and in state legislation; for those older forms of moral bondage belonging to a stage of civilisation that we have well-nigh left behind us, slavery and vassalage, fled in their day also at the imperative command of moral duty.

(d) *The Improvement of the Means of Communication.*

Midway between the technical improvement of the instruments of livelihood and the ennobling of life by mental cultivation stand *commerce* and *communication*. Both are entirely dependent upon the application of certain technical devices. Where primitive communication transcended the narrowest circles and the most transient relations, it entered upon its development by way of the waggon and the art of navigation. Our own age of steam and electricity is rapidly approaching the goal when the distances that the earth presents will no longer offer any serious obstacle to the traveller, and when all the quarters of the world will be joined together under the influence of a common civilisation by an uninterrupted bond of thought and feeling.

Here, again, it is the *means* that has created the *end*. Everyone knows that when the first timid attempts were made with the new means of communication men's ideas as to their range of application moved only within the narrow limits of earlier experience. But not only has the means created an end that man neither anticipated nor even, perhaps, desired; it has done more and more to remove the obstacles which older habits of life and the condition of international law set in the path of its attainment. In this interplay of cause and effect communication has in its turn proved to be a means leading to results that have been new, unforeseen and, if consciously desired, desired as a general

rule but a very short time before their actual achievement. We of the present day are still standing in the thick of the social and international revolution stirred up by the rapid growth of communication, so that we can say nothing of its ultimate consequences. There are, however, two results, results that offer a partial compensation of the many evils accompanying the improvement of machinery, which are too plain to be mistaken. The first consists in the extension of the trade in agricultural products. This means that distress in any given quarter can be more and more easily relieved, and more especially that those who live entirely by husbandry, and are, therefore, most dependent upon favourable or unfavourable natural conditions, are safeguarded from the fatal vicissitudes of their mode of life. The earth is large enough to make up for all the distress which it brings about in the individual case through the conditions of soil and climate to which it is subject, but communication alone can by slow degrees raise the potentiality to actual fact. The second, and in its ultimate consequences perhaps even more important result is the incomparably greater range of *personal* activity that is opened up to the individual. The labour market, originally local or at most provincial, has gradually become national, and to a certain degree even international. Now the less compatible the interest of the nations with disturbance of the growth of this peaceful intercourse, the stronger is the guarantee against hostile entanglements. The idea of international tribunals of arbitration, scoffed at a hundred years ago as an Utopian dream, has already become fact on more than one occasion under the constraining power of commercial interests. And lastly, the greater freedom of personal intercourse, together with the increased production and transportation of material goods, has brought about the development in size and prosperity of our modern towns which, bad as the dark

sides of life in a great city may be, has nevertheless proved of the greatest service in stimulating inventive ingenuity and extending education. While in former ages art and science could thrive only under the protection of the court, it is hardly an exaggeration to say that they find encouragement to grow and flourish to-day wherever there is a centre of civic life large enough to make possible any considerable expenditure for public ends; and as the public ends themselves take on this wider range, the co-operation of individuals for the common good has fuller opportunity to display its usefulness, and the magnitude of the general interests makes them more powerful to silence the voice of a narrow-minded exclusiveness. For the poet's words "Man grows with greatness of his purposes" are as true here as they are in every other department of the moral life.

No one will deny, of course, that this same commerce brings moral evils in its train which may far outweigh the benefits that it confers; nay more, which may come to such a growth that the whole advance of civilisation at a given epoch is but a doubtful blessing. Apart from the moral dangers into which life in a large city leads, by the fatal facility it affords for the gratification of personal desires, by the temptation it holds out of lucrative occupation without steady work, and by the concourse of immoral elements that find in the high pressure of city life the most favourable soil for their antisocial activities,—apart from all this, the immense rapidity with which our modern means of communication sets material goods and intellectual products in general circulation cannot but exercise a distracting effect upon the individual; so that the moral force which he requires for the prosecution of some definite aim in life is perhaps greater than at any previous period of the world's history; while at the same time his public duties and private calling demand

that he pay a certain measure of attention to all the countless incidents which hold the general interest of the hour. If we add to this the universal increase in intellectual production, or at any rate in the amount of it, and the infinitely greater use to which we nowadays put the means whereby a new addition to the sum of knowledge is distributed, first of all to those immediately interested, but then, it may be, to the very widest circles, we cannot escape the conclusion that life in the modern state, though easier in its details, is on the whole much more difficult of living than life has ever been before. It imposes greater tasks upon the citizen, and makes greater demands upon him even outside the range of duties that he has most at heart. A measure of strength that might formerly have sufficed to meet average requirements may to-day break down under their burden. Nevertheless, this shadow-side of civilisation is not dark enough to make us wish that its whole work had been left undone. Great undertakings are not possible for the individual without great dangers; and civilisation, too, is not a blessing in the sense that it showers down the ripe fruits of the moral life all in a moment upon everyone who comes under its influence, it is a blessing which simply makes it possible for every man to attain more, whether for good or for evil, than he could have attained without it.

#### *(e) The Cultivation of the Mind.*

In this connection the *cultivation of the mind*, the final factor in civilisation, stands upon the same level as the development of rules of ownership, of mechanical contrivances, and of commerce and communication. Determined by the others, it binds together the results of them all. The more general intellectual cultivation is, the more stringently a certain measure of education is demanded,—not only by the

individual from himself and the family from its members, but also by the *state* from its citizens,—the more effectually are the obstacles surmounted which the actual inequality of men places in the way of practical humanity. The requirement that we shall love all mankind must remain a merely theoretical postulate so long as there is a great gulf of mental cultivation fixed between man and man. A widely-travelled naturalist has declared that he loves the negro, when the greatest possible extent of space lies between them; but that his theoretical love changes to an instinctive aversion when he stands face to face with the swarthy child of nature. It is not so much the difference of physical diathesis, however, as the utter dissimilarity of thought and feeling, which makes proximity so distasteful. When once a common education has called to life common ideas and interests we gradually attain the power of abstracting from external differences.

It is not, of course, that sameness of education means sameness of knowledge and ability. That is definitely excluded by the actual inequality of human endowment; besides which it is wholly irreconcilable with that multifariousness of human activity which, in its turn, is a necessary result of the progress of civilisation and education. The requirement of equality is restricted in the nature of things to the departments of life which are really common to all, *i.e.*, to the universal human interests which spring partly from the fact of membership in the same civic community, and partly, transcending this, from similarity of moral and æsthetic attitude and feeling. Our modern educational efforts not seldom go astray in confusing *community* of education, the only aim that is worth the striving for, or whose achievement promises to increase human happiness, with *equality* of knowledge and ability,—which even were it attainable would be for the great

majority of mankind a mere burden and superfluity, if not a positive misfortune. Hand in hand with these wrongly directed educational movements goes that mistaken aspiration after equality which aims at equalising mankind, not in the moral qualities that are independent of calling, position in life, and the material good things of fortune, but contrariwise in these external matters themselves. True, this aspiration is not either wholly without moral motivation. When it springs from the conviction that a certain security in the outward conduct of life is necessary for the realisation of the other equality, of moral education, the restriction of its demand to outward matters is entirely justifiable. Of all suspicious moral principles that of what is called 'self-help' is one of the most dubious. Excellent for him who has the will and the power to help himself, wholesome for him who lacks only the energy requisite for action, it is worthless for the man who is too weak to endure the struggle, and criminal in the mouth of one who will not help those to whom he applies it. Since sameness of education can never mean sameness of knowledge and ability, it will never either do away with the differences in human capacity, or with the differences of position and influence which their capacity fits men to obtain. Let us suppose it possible by violent measures to enact the fiction that every man's work and endowments are the precise equivalent of his neighbour's. But nature has placed her veto upon equality of endowment, and the idea that all men's work is of equal value is negatived by our intellectual, æsthetic and ethical judgments. Thus there is only one equality left, as possible and actual end: equality of *right* to the acquisition of the intellectual goods which civilisation has produced. This right, if it is not to remain a mere empty form, carries with it the requirement that however different individual positions in life may be, no one shall be debarred by the

struggle with want from participation in this the common possession of mankind. The requirement, however, is always a *moral* postulate, and therefore threatened at the same time that it is endorsed by civilisation. It stands accordingly not as the *result* of civilisation, but as its necessary *ethical complement*.

(f) *The Ethical Advantages and Disadvantages of Civilisation.*

We have already indicated the decision which a consideration of the facts of the moral life renders upon the old controversial issue as to whether civilisation furthers or checks morality. The ethical influence of civilisation is everywhere ambiguous. As it helps to deepen and refine man's moral ideas, so it opens up all sorts of paths which may lead him from the good. It creates new crimes, —crimes which, like certain kinds of imposition and deceit, are only called to life by the conditions of civilisation ; and it furnishes the oldest forms of violation of the law, robbery and murder, with new weapons, which magnify the moral gravity of the offence in proportion as their use demands inventive power and systematic calculation. To which it must be added, further, that motives which do not fail of their moral effect in an earlier stage of social evolution become less effective later. The vast complexity of society holds out the prospect that the author of a criminal act will escape undetected, and so the fear of punishment loses its deterrent force. But the worst consequences of all follow from the undermining of the *religious* motives to moral conduct. Those whose morality was based simply on the fear of a future retribution feel no incentive to refrain from sin when once belief in retribution has been lost. It is true that the loss may be fully compensated,

in certain cases, by new and unselfish motives to morality, which mental cultivation produces. But gain and loss are not always equally balanced. Whole epochs may suffer—the decay of morals in the Roman Empire is an impressive lesson—under the stern decree of destiny that man shall forget the old motives to morality before others have arisen to take their place.

While civilisation affords the means to a higher ethical perfection, therefore, it never fails on the other side to furnish stronger impulses to immorality and to lend their realisation all the aid in its power. This explains why, in a primitive stage of civilisation, the morality of a race is more uniform than it is to-day. As primitive man shows but little difference in his physical nature, so his deviations from the mean in the moral sphere, whether above or below, are also inconsiderable. And this leads to a serious question. May it not be, if we look simply at the totality of good and evil, that the greater value of the good attainable from the heights of civilisation is outweighed by the increase in evil? And if this be true, is not that primitive state the better in which mankind, though they do not know the supreme beauty of the good, have not either become familiar with the most hateful forms of evil? There is good reason to ask the question. But there is equal reason to declare that it can never be answered—never, at least, in terms that shall possess an ethical value. For that would necessitate man's having the choice between different stages of civilisation, just as he may choose the best of various possible actions. But no one can choose the age in which he will live. We can admire the heroes of the Homeric world or the chivalry of the Middle Age, we can further, in our own minds, rank the morality of one age higher than that of another, our own included, but there is no age and no civilisation that we can set up as an exemplar

of universal validity for all time. For our attempt would presuppose that the mental life of the race can turn backward or come to a standstill. This is what made the tendencies of the romantic school so unwholesome and at times so ridiculous: they not only admired the Middle Age, but tried to reproduce it in modern art and even in modern life,—so that Protestants, *eg*, turned Roman Catholic, because the Middle Age had been Roman Catholic. Every man is of his own time and stands within the civilisation of that time, and any other is for him out of the question. If this civilisation brings moral dangers unknown to former ages, then we can only say that it makes demand of the individual and of society alike to face the new conditions, and do all that in them lies to assure the victory for the good elements over the evil.

Even from the standpoint of a purely subjective estimation, which finds most to praise in the moral qualities of a particular stage of civilisation without desiring on that account to call it back to life, we must remember that moral facts are not to be regarded, like material things, as given with all their attributes upon them, to be accepted or rejected as they stand. Just as the moral life of the individual has its ultimate source in the free will, so the external conditions of the moral life are the free choice of him who subjects himself to them. If a higher civilisation presents greater dangers, as well as supplying more abundant means for the perfecting of the moral life, still its forces are not *physical* forces, which must necessarily cancel one another, in whole or part,—but antagonistic *motives*, between which choice has to decide. We may not ask, then, what the *consequences* of civilisation at large may be. That question implies that the spheres of civilisation and of morality coincide, whereas, as we have seen, the two cut across each other. The only legitimate enquiry is, what *means* civilisation places at the disposal of

the will that has decided to follow the good. And when the question is put in this way there can be no doubt on which side the advantage lies.

### 3. GENERAL RESULTS.

#### (a) *The Psychological Elements in Morality.*

Throughout the foregoing discussion we have employed the terms 'good' and 'bad,' 'moral' and 'immoral,' in the sense which attaches to them in the not very definite language of every-day life. It would have been foreign to our immediate purpose to raise the question whether these terms really attain to sufficient clearness in the general consciousness, or whether they can be precisely defined at all. But now that we have seen how moral ideas change with the changing conditions of physical environment and of civilisation, the doubt may naturally arise whether after all there is any connection and coherence in the moral life, or whether it is not merely the collective name for a group of what are, in part, wholly heterogenous phenomena. It would seem as if good and bad, virtue and vice, change their aspect so completely in the eyes of men, that approximate sameness of contents in the same ideas can be looked for only within limited periods and narrow circles, beyond which there is utter difference, possibly even direct contrariety of moral standpoint. The age that first listened to the Homeric poems saw in Achilles and Ulysses examples of manly virtue. Very different is the judgment of the Stoic philosopher, the sage Brahmin, or the Christian saint, who looks on anger and revenge, fraud and deceit, as abominable crimes, however praiseworthy the ends which they may appear to subserve. In view, then, of this extreme variation of moral ideas in the general consciousness, the question presses itself upon our consideration whether there really are universally

valid elements in morality, or whether it may not be true that the one common characteristic of the moral life is just the bare fact that in all lands and in all ages *certain* actions are approved and *certain* actions disapproved, while the contents of the facts whose value is thus differently appraised shows not the least approach to constancy. The question is all the more important since the *universal* elements in moral ideas, if they exist at all, must evidently be those from which a *scientific* investigation of moral norms has to set out.

It is natural to suggest that a reason for the changeableness of moral ideas may be found in the fact of *evolution*. All mental processes are subject to development. On this view, then, the elements in morality which constitute the standard of moral reference at the last and highest stage of evolution would necessarily possess, if not an *universal*, still an *exclusive* moral validity. But here again the question may be raised whether it is possible to say with any degree of certainty that the last and highest stage has anywhere been attained, and whether it is not true of this development as it is of others, that in *germ*, at any rate, the later stages are really contained in the earlier. No mental development is conceivable without a definite *continuity of ideas*. Hence, just as there are many links that connect the thought of the man with the thought of the child, in spite of all the differences between them, so there must be similar elements in the moral sphere which hold all the various parts together, and in that sense may justly lay claim to the possession of an *universal* validity.

When we look round for elements that are thus common to all the developmental stages of the moral life, we come first of all upon certain *formal* characteristics of moral ideas. Thus (1) it is a fact of formal significance that morality expresses itself in *antitheses*, with which judgments of approval and disapproval are universally associated. (2)

And it is a second formal characteristic of morality that certain goods are regarded as morally desirable whose enjoyment promises an *enduring* satisfaction. This thought of permanence shows most clearly in the religious ideas which, reinforced by the conceptions of reward and punishment and of immortality, have striven wholly to free the satisfaction of the moral nature from the restrictions of time, *i.e.*, to make it *absolutely* enduring.

But these formal determinations are not sufficient to differentiate morality from other departments of life. What is more, they themselves point to something beyond them. Our approval or disapproval is always conditioned by the particular *contents* of the act upon which the judgment of value is passed, and the attribute of permanence which distinguishes moral satisfaction from other emotions must be due, in the same way, to the peculiar *nature* of morality. Now it is *a priori* inadmissible to lay conditions upon the universally valid contents of morality which have not proved themselves to be conditions of human life in general, *i.e.*, conditions that belong to a particular, howsoever primitive, stage of civilisation. Distant as the past must be that saw the rise of family and state and legal system, still their absolute primitiveness is far too doubtful a matter for us even to correlate them with the origination of moral ideas, much more to derive morality from them. On the contrary, we must suppose that all the social forms in which moral conceptions are exhibited had their source in morality, or at least grew up under moral influences. But in that case we have nothing left that can serve as the specific contents of morality except certain *psychological* elements, which presuppose not any special external conditions, but simply the uniformity of human nature. And, as a matter of fact, we find such elements in certain moral *impulses* which, while they may develop in very different ways, and therefore

manifest themselves in great variety of empirical form, are nevertheless in essence always and everywhere the same. They are the factors whose resultant is seen in the two great groups of phenomena that we have learned to know as the principal and also as the omnipresent expressions of the moral life: *religious* views and the observances of *social* living,—phenomena that, for all their unity of origin, can take on the utmost diversity of form, and act and react upon one another in the most manifold ways.

With these two great groups of general facts are correlated two fundamental *psychological motives*, whose universal validity depends upon the constancy with which they produce their effect in the human consciousness. The feelings of *reverence* and of *affection*. They relate originally to entirely different objects; the feelings of reverence to *super-human* beings and powers, the feelings of affection to *humanity*, to one's fellow-man. The first is the primary condition of the religious, the second of the social life of mankind. But the two root-impulses soon become connected in a great variety of ways, each acquiring a helpful influence upon the phase of life that depends upon the other. That wider humanity, *eg*, which bears the fairest blossoms of our social life, has its ultimate root in religious soil. The whole development of morality rests on the expression of these two fundamental impulses of human nature: the vast distances that separate its several stages result simply from the interaction of the primal motives and the simultaneous influence of intellectual factors. And the development of human nature itself not only leads back to an universal sameness of psychological elements, but has throughout been subject to definite psychological *laws*, whose validity is not less universal, however varied a guise the individual forms of life may wear.

(b) *The Psychological Laws of Moral Evolution.*

Wherever we can trace the development of moral conceptions with sufficient fullness we find that it falls into *three* stages. Each of them has its own distinguishing marks, mainly determined by the relation in which the various parallel part-developments stand to one another at the given time. In its first beginnings the moral life is very much the same the world over the growth of the social impulses, overrun as they are by the selfishness of barbarism, is greatly confined; and consequently certain external advantages, that are useful to their possessor and to his associates, are held in chief esteem as virtues. This first stage, in which there is an almost total lack of moral incentive, is transcended for the most part under the influence of *religious* ideas and the interactions of religious feelings with the social impulses. Morality thus enters upon its second stage, in which the differences in religious and social conditions are paralleled by a growing differentiation of views of life. We may therefore term it the age of the *differentiation of moral ideas*. The third stage is introduced by yet another change in religious conceptions, and characterised by the gradual growth of philosophical influence. Religion and philosophy continue to further that humanistic tendency in the moral life whose preponderance always marks the maturity of the moral consciousness, so that under this influence the differences of national standpoint are effaced again. This law of the three stages, or of the *successive differentiation and unification of moral ideas*, is as fully attested by the change in the meaning of words as it is by the history of religious and social civilisation.

But within the development of morality under the law of the three stages we can trace the effects of a second

important law, whose misconception has, without any doubt, been the principal source of error in many mistaken ethical theories. It is the law of the *heterogony of ends*. We mean to express by this name what is a matter of universal experience: that manifestations of will, over the whole range of man's free voluntary actions, are always of such a character that the effects of the actions extend more or less widely beyond the original motives of volition, so that *new* motives are originated for future actions, and again, in their turn, produce new effects.

The interconnection of a series of ends, then, depends not upon the fact that the end finally achieved was contained, as idea, in the original motives to the actions which have ultimately led to its achievement; nor even upon the fact that the motives which were operative at the first produce of their own power those that are operative at the last. Its essential warrant is this: that owing to the constant influence of accessory factors the result of every act of choice is as a whole not congruent with the end ideated in the motive. But those elements of the result that lie outside of the original motive are eminently fitted to become new motives or elements in new motives, from which new ends or variations of the original end arise. The changes of motive thus conditioned by the result of action may be effected gradually or at one blow, and the distance that separates the first motive and the end ultimately pursued is determined partly by the time that thus elapses between them and partly by the extent of the series of ends.

We must look principally to the law of heterogony of ends to explain the increasing number and fullness of ethical theories of life, whose production indicates the trend of moral evolution. The law also shows us how erroneous a conception of this development is embodied in the common idea that what we at the present day find or imagine to be

the motive to particular moral actions has prompted man to their performance from the very beginning. Moreover, the law throws a light not only on what lies behind us, but also on the future development of the moral life. While it teaches that every stage is the necessary preparation for that which follows, it flatly forbids the setting of bounds to the course of future events for reasons drawn simply from our present outlook over the universe. Reality is always fuller and richer than theory. Hence the most that is allowed us is to anticipate the general outline of the course that will be taken by the immediate future. Here, then, the law warns us with no uncertain voice that we may not relegate the ends of morality at large to the narrow circle of our personal hopes and wishes. The particular thing must be regarded *sub specie aeternitatis*. At the same time, we may not, with the philosopher who coined this phrase, look upon the infinity as something *given* and hence directly apprehensible by our idea; we must rather consider it as a *becoming*, as an infinite problem, parts of which we come to know by solving them.<sup>1</sup>

#### 4. THE MORAL LIFE AND ETHICAL THEORIES OF THE UNIVERSE.

In the psychological elements and laws of the moral life we have the immediate point of departure for an investigation of the motives, ends and norms of moral conduct. But as the primary object of such an investigation is to give account of the ground and end of moral requirements, it is clear that a consideration of the *ethical*

<sup>1</sup> Certain critics have understood the principle of heterogeneity of ends to mean that there is absolutely no inner relationship between motives and the ends which arise out of them. The attentive and unprejudiced reader of the above discussion will hardly need the assurance that this interpretation is erroneous.

*theories of the universe*, from their vague beginnings in the popular consciousness to their precise formulation by scientific ethics, will form a valuable supplement to the discussion of the facts of the moral life

We may divide the history of the development of ethical systems into the three great periods of *ancient*, *Christian* and *modern* ethics. Ancient ethics derives its materials most directly from the popular consciousness. Not till the period approaches its close is ethics definitely separated from the national custom out of which it sprang. It then tends to become humanistic, in the widest sense, and at the same time takes on a religious colouring. The way is thus paved for the rise of Christian ethics. This does not grow up, as ancient ethics did, on the soil of national custom: it aims from the very first to lay down the law for custom. It thus places itself in purposed opposition to the imperfection of real life, to which it holds up the exemplar of an ideal moral universe. Finally, modern ethics enters once more into closer relation with the material principles that underlie the moral life. In so doing, it may be said in general to unite the descriptive standpoint of ancient with the normative of Christian ethics. At the same time it shows a widespread tendency to differentiate the moral and the religious spheres; but in the fulfilment of this task splits up into a large number of separate currents, in which we trace the operation of the material factors that combine to make up the moral life of modern times.

Ancient ethics, especially in its earlier stages, is led by its direct connection with practical moral ideas to take morality for granted: it consists in the good things of real life, as offered by the conditions of existence, personal and national. Ancient ethics is therefore preponderantly an *ethics of virtue*. It does not ask, What is the good? but, How must man act in order to be good and happy?

Before very long, however, the thought arises that in actual life the highest good and the most perfect happiness are unattainable. And this idea becomes the keynote of Christian ethics. For it the end of human endeavour lies in the world beyond the grave. That is moral which helps man to attain the goods of this other world that is immoral which impedes his efforts to attain them. All pursuit of earthly goods is therefore immoral. What must man do to achieve eternal blessedness? That is the question before which all others fade into insignificance. Christian ethics is therefore through and through religious: it is primarily an ethics of moral and religious *duty*. Finally, the prevailing schools of modern ethics, following in the footsteps of the ancient philosophies, take up their position once more on the ground of real life. They seek to establish the independence of an ethical science, an ethical consideration of the universe, either by treating morality and religion as entirely separate fields, or by reversing the standpoint of Christian ethics with its derivation of morality from religious duties, and basing religion on ideal moral requirements. In thus emphasising the distinction of the two fields modern ethics takes as its main theme the question, What is moral? The ideas of virtue and of duty it hopes to deduce from the idea of morality. Hence it is pre-eminently an ethics of *goods*, and the question of the nature of the moral good, and its relation to other goods, is the point of divergence of the prevailing ethical schools.

The moral theory of the universe elaborated in the ancient world, so far as it has come down to us, is contained in the ethics of the two classical nations, the Greeks and the Romans. It is in Greece that reflection concerning the nature of morality had its origin. The Romans did no more than learn from the Greeks in the sphere of ethics proper, though their keen sense for what was useful to the

individual and to the community, and their highly developed feeling for justice, admirably fitted them to clear the ground for the application of ethics in custom and law. The moral and religious views of the Eastern nations did not begin to exercise any profound influence upon European thought until ancient civilisation was drawing towards its close. The part played by Judaism in the origination of Christian doctrines is the most striking instance of this kind in its outward effects. But to all these elements which the civilisation of the day had brought together was now added a still more potent force. the force of a moral personality which, as it had itself transcended the limitations of national custom, so too imparted to the view of life which it embodied the power to remove all the obstacles that tradition or alien descent would place in its way. Christian ethics, therefore, is not a national but an *humanistic* ethics. Finally, the modern theories of the universe have sought to retain this broadly humanistic tendency, while they gradually strike off the chains of religion and dogma. But just as modern civilisation has ousted uniformity of knowledge and belief to restore again the manifoldness of nationality, but yet—in contrast to the ancient world—has found its counterpoise in the intercourse of nations, so too does modern ethics appear in manifold forms, conditioned in part by difference of national standpoint, while yet the multeity of schools is powerless to break the continuity of the work of civilisation in the narrower ethical field.

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